	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 1 of 121

ARM-001-015

COMMITTEE MANUAL

Purpose & Scope:

This procedure is intended to describe two types of FAA Committees that the Office of Rulemaking oversees¹; provide guidance to interested offices and members; determine the overall suitability, adequacy, and effectiveness of Rulemaking Committees; and evaluate where continual improvement can be made.

Approval:

Director, Office of Rulemaking: _____ /s/ Tony Fazio

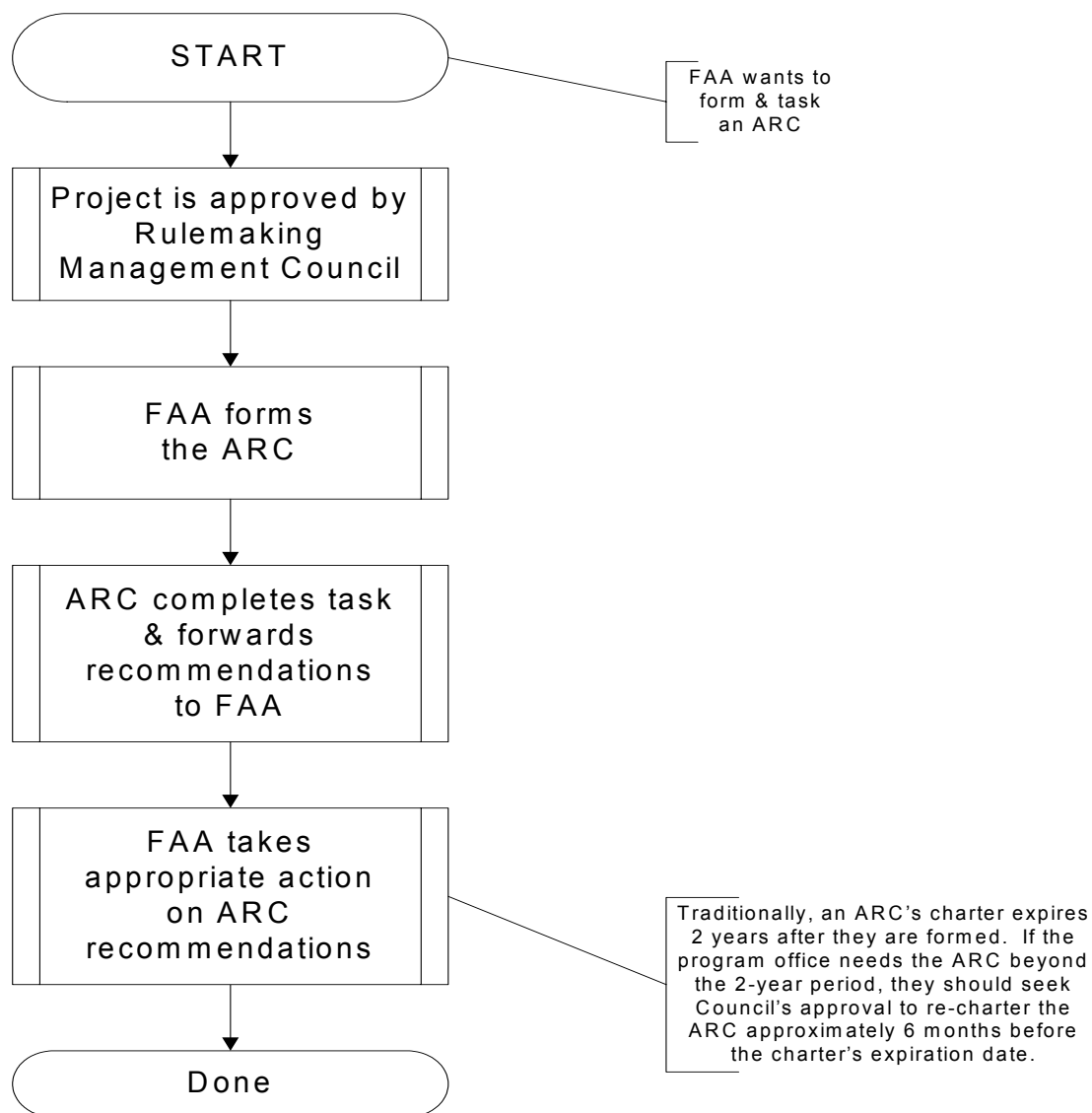
¹ (1) Committees that are required to follow Federal Advisory Committee Act requirements (Aviation Rulemaking Advisory Committee); and (2) Committees that are not required to follow Federal Advisory Committee Act requirements (Aviation Rulemaking Committees)


	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 2 of 121

REVISION HISTORY		
Rev	Description of Change	Effective Date
1	Original	1/26/05

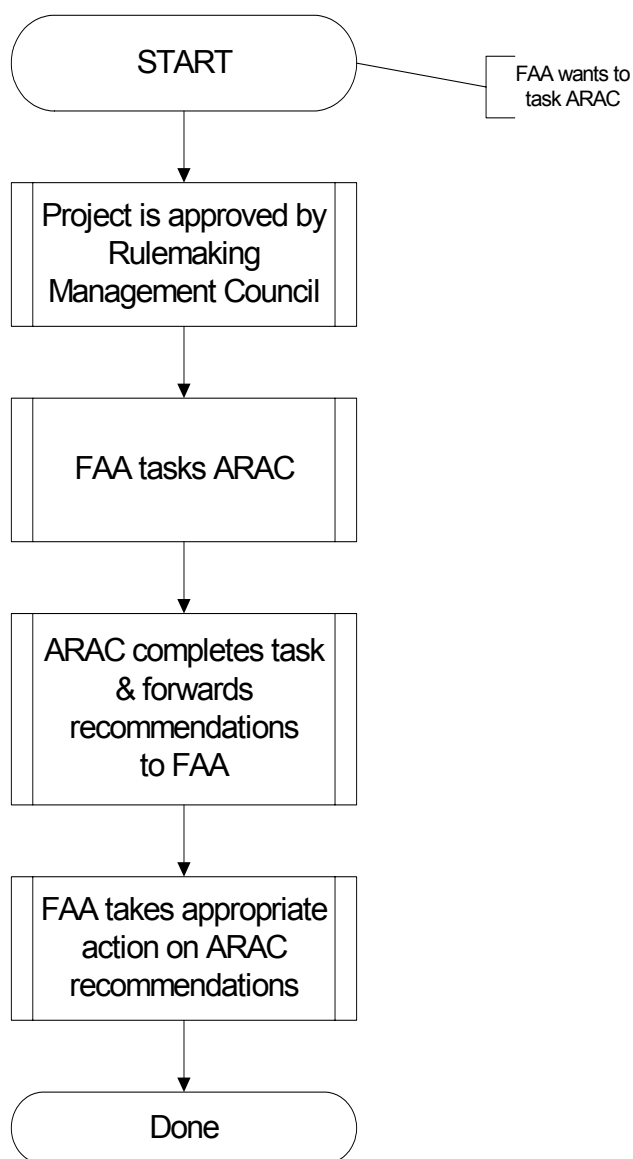
	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 3 of 121


Overall Aviation Rulemaking Committee (ARC) Process



	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 4 of 121

Overall Aviation Rulemaking Advisory Committee (ARAC) Process




	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 5 of 121


GENERALTABLE OF CONTENTS

**PART I: COMMITTEES THAT ARE NOT REQUIRED TO FOLLOW THE FEDERAL
ADVISORY COMMITTEE ACT (AVIATION RULEMAKING COMMITTEES).....**

**PART II: COMMITTEES THAT ARE REQUIRED TO FOLLOW THE FEDERAL ADVISORY
COMMITTEE ACT (AVIATION RULEMAKING ADVISORY
COMMITTEES).....**

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 6 of 121

PART I: COMMITTEES THAT ARE NOT REQUIRED TO FOLLOW THE FEDERAL ADVISORY COMMITTEE ACT (AVIATION RULEMAKING COMMITTEES)

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 7 of 121

PREFACE

PURPOSE

This guidance provides Aviation Rulemaking Committee (ARC) members and Federal Aviation Administration (FAA) personnel with information to help them understand and participate effectively in the ARC process. Due to the informal and flexible operation of ARCs, the FAA has not identified any performance measures.

DISTRIBUTION

This guidance is available to all interested individuals on the FAA Web site at <http://www.faa.gov/avr/arm/index.cfm>.

REVISIONS AND UPDATES


The FAA's Office of Rulemaking revises these procedures to ensure the information is accurate. All revisions are available on the FAA Web site. Forward comments or recommended revisions to—

Office of Rulemaking
Federal Aviation Administration
ARM-20
800 Independence Avenue SW.
Washington, DC 20591
202-267-9677

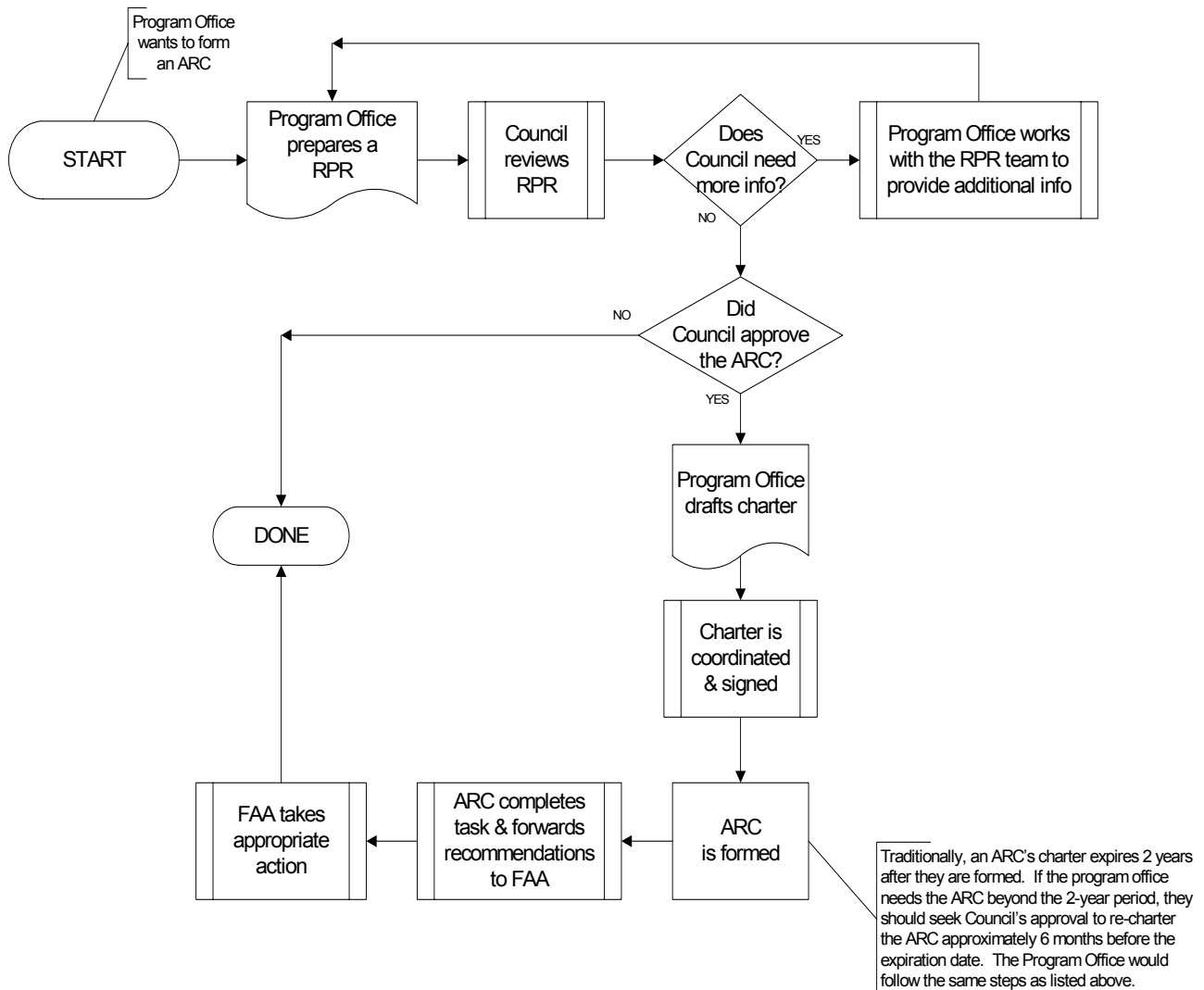
ACRONYMS

We have minimized the use of acronyms throughout the manual to make it easier to read. However, we use the following acronyms throughout the document.

ARAC	Aviation Rulemaking Advisory Committee
ARC	Aviation Rulemaking Committee
FAA	Federal Aviation Administration
FACA	Federal Advisory Committee Act
NPRM	Notice of Proposed Rulemaking
RPR	Rulemaking Project Record

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 8 of 121

Aviation Rulemaking Committee (ARC) Process



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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 9 of 121

TABLE OF CONTENTS

PREFACE.....

CHAPTER 1: GENERAL INFORMATION ABOUT ARCS.....

CHAPTER 2: REQUIREMENTS TO ESTABLISH AN ARC.....

CHAPTER 3: ARC GUIDELINES.....

Appendix 1: Freedom of Information Act (FOIA)

Appendix 2: Consensus

Appendix 3: Quality Standards for Documents

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 10 of 121

CHAPTER 1: GENERAL INFORMATION ABOUT ARCS

Authority for the Administrator to form an ARC

Title 49 of the United States Code (49 U.S.C.) section 106(p)(5), authorizes the FAA Administrator to establish aviation rulemaking committees (ARCs) that are exempt from Federal Advisory Committee Act² (FACA) requirements. ARCs act solely in an advisory capacity. Non-Government representatives serve without Government compensation and bear all costs related to their participation on the Committee. The FAA has the sole authority to establish and task ARCs. This allows the FAA to work with industry and the public to improve the development of the FAA's regulations. ARC members may include aviation associations, technical experts and public interest/advocacy groups. ARCs may establish formal operating procedures for their day-to-day operations.

ARC Objectives

The FAA establishes an ARC to—

- Improve development of the FAA's regulations by involving interested members of the public early in the development stage. The ARC—
 - Includes the public's concerns and opinions in certain documents to reduce the probability of receiving nonsupportive public comments when a document is published.
 - Avoids placing unnecessary burdens on the public because of a lack of information.
- Exchange ideas through the ARC process, which gives the FAA additional opportunities to obtain firsthand information and insight from those parties most affected by existing and proposed regulations and other regulatory information.

The FAA establishes an ARC instead of assigning a task to the Aviation Rulemaking Advisory Committee (ARAC)³ for several reasons, including:

² FACA governs most advisory committees. For additional information on FACA, see Title 5 of the United States Code, appendix 2 (<http://www.access.gpo.gov/uscode/uscmmain.html>), and Chapter 1 of the Aviation Rulemaking Advisory Committee Operating Procedures manual (http://www.faa.gov/avr/arm/arac/arac_opsprocedures.cfm).


³ For additional information, see the ARAC Operating Procedures manual (http://www.faa.gov/avr/arm/arac/arac_opsprocedures.cfm).

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 11 of 121	

- No issue area in an ARC is appropriate.
- Several FAA offices need to be involved and it is appropriate to have more than one Designated Federal Official represent the FAA.
- The FAA wants to limit the membership.
- The desired task does not require harmonization with European rules.

Proprietary Information

The Office of Rulemaking often solicits information prior to rulemaking and receives information during rulemaking that may contain proprietary or private information. Generally, all information used in rulemaking must be available to the public and thus placed in the docket. However, if information furnished contains proprietary or private information, and if the ARC participant requests that certain information be withheld or reasonably separated, the FAA will do everything reasonable to accommodate the privacy of the ARC member, in accordance with 14 CFR 11.35(b). If proprietary information is received in the Office of Rulemaking, it is usually passed on to either the Policy Office or the Office of Primary Responsibility. Any remaining information will be stamped "Proprietary Information" and placed in the project folder.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 12 of 121

CHAPTER 2: REQUIREMENTS TO ESTABLISH AN ARC

Requirement 1: Approval of Rulemaking Project Record (RPR) to Create an ARC

The RPR is the vehicle to get Rulemaking Management Council approval to establish the ARC.

1. The OPR determines which phase of the RPR document to use:

If you are at this stage of the rulemaking process...	Use Phase
Council has not yet seen an RPR on the rulemaking issue	I ⁴ .
Council has reviewed a Phase I RPR, but wants more information. It designates resources to help you develop that information	II ⁵
An NPRM was published, but the Council did not approve resources to begin drafting the final rule.	III ⁶
Significant changes affect the already Council-approved RPR. Those changes require, at a minimum, Council review.	Appendix ⁴

2. The OPR drafts an RPR in accordance with the procedures in the FAA Rulemaking Manual.

Requirement 2: Approval of Charter

1. The OPR drafts the charter according to FAA Order 1320.1D.

⁴ See Chapter 1 of the FAA Rulemaking Manual (http://intranet.faa.gov/avr/arm/manual/rulemaking_manual.pdf).

⁵ See Chapter 2 of the FAA Rulemaking Manual (http://intranet.faa.gov/avr/arm/manual/rulemaking_manual.pdf).


⁶ See Chapter 5 of the FAA Rulemaking Manual(http://intranet.faa.gov/avr/arm/manual/rulemaking_manual.pdf)

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 13 of 121

2. Using a clearance record, the OPR coordinates the draft charter with the following offices:
 - Office of Rulemaking, ARM,
 - Office of Budget, ABU,
 - Office of Cost and Performance Management, APF,
 - Office of Chief Counsel, AGC, and
 - Other offices that might be affected by the issue.

Requirement 3: Issuance of Charter

1. Only the Administrator may issue an ARC charter. Once the Administrator issues the charter, the OPR must send a copy of the signed charter to ARM.
2. It is not necessary to publish ARC charters in the *Federal Register*. Copies of ARC charters are available from the Office of Rulemaking, Program Analysis Staff, ARM-20.
3. Traditionally, an ARC charter is not valid for more than 2 years. In the event an ARC needs more time to complete its assignment, and the program office agrees the FAA can renew the existing Charter or form a new ARC. In either event, the program office must go through the approval process described in Requirements 1-3.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 14 of 121

CHAPTER 3: ARC GUIDELINES

1. The agency is **not required** to provide *Federal Register* announcements, meeting minutes, and operational and spending reports. Neither the Department of Transportation nor the General Services Administration are required to review ARC charters, and no annual reports are required.

2. An FAA official⁷ appoints an ARC's members and chair (or co-chairs) and transmits the membership list to the Office of Rulemaking, which maintains a list of the membership of each ARC. Membership may be limited to specific individuals, specific representatives of companies, or specific organizations that would provide the expertise for the ARCs purpose. The agency may publish a *Federal Register* notice soliciting ARC members.

3. FAA personnel, including representatives from the Office(s) of Primary Responsibility, the Office of Chief Counsel, the Office of Rulemaking, and the Office of Policy and Plans may participate as members of the ARC.

4. In addition to the Objectives and Scope listed in the ARC Charter, the FAA gives direction to the ARC about its workload, specific deadlines, expected deliverables, etc. This direction may be written or verbal. The ARC may not work on issues without FAA direction. When the ARC is ready to forward a recommendation to the FAA, it sends it to an appropriate FAA official.⁸ The FAA official who receives the recommendation sends it to the Office of Rulemaking for record keeping purposes. ARC documents may be subject to the Freedom of Information Act (FOIA).⁹

5. ARC Meetings may be held at any location that is reasonable and assessable to the ARC members, such as-- Federal Buildings, hotel conference rooms, or the conference rooms of ARC members.

6. Meeting minutes are not required to be kept. However, it is important that the ARC captures in an appropriate format:
 - Discussions,
 - Agreements,
 - Consensus¹⁰, and
 - Suggested language changes in draft documents.

⁷ The specific person may vary from ARC to ARC.

⁸ The specific person may vary from ARC to ARC.

⁹ See appendix 1 for additional information on FOIA.

¹⁰ See appendix 2 for additional information on consensus

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 15 of 121


7. When preparing recommendations, the ARC should consider the Quality Standards for Documents in appendix 3.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 16 of 121	

Appendix 1: Freedom of Information Act (FOIA)

Under FOIA, the FAA must make available records upon a request that reasonably describes the records and is made in accordance with published rules, unless the records fall within one of the nine FOIA exemptions. Therefore, any ARC information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions.

FAA personnel participating in ARCs must be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the ARC members, FAA personnel may look at and discuss the data during the meeting without the information being subject to a FOIA request. If FAA personnel take possession of the information upon leaving the meeting and use the information in performance of their duties, then the ARC information is releasable under FOIA. If FAA personnel need data to complete an ARC assignment, they should make sure the data are in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA representative takes possession of the documents. (See FOIA, section 552 of Title 5 of the United States Code.)

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 17 of 121

Appendix 2: Consensus

Consensus—

Is agreement by all parties that a specific course of action is acceptable. (“Can they live with it.”)

Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.

Does not mean that majority rules. Consensus can be unanimous or near unanimous.

Note: It is important to reach consensus in every phase of the ARC process. Introduction of disagreement in later phases is counterproductive to an ARC’s objectives and may cause delays later in the process.

There are different levels of consensus. The levels of consensus are—

Full consensus,

General consensus, and

No consensus.

Full consensus means all members agree fully in context and principle and fully support the specific course of action.

General consensus means that, although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group. Although not every member fully agrees in context and principle, all members support the overall position of the group and agree not to object to the proposed recommendation document.

No consensus means that the disagreement among the group members cannot be reconciled to the general acceptance of the group. The group cannot reach a position that all members will support.

Note: Dissenting opinions must be documented in any recommendation that the ARC forwards to the FAA.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 18 of 121

Appendix 3: Quality Standards for Documents

In developing recommendation documents, it is essential that each ARC member understands the recommendation and any supporting documents.


During the ARC process, consider whether all decisions contained in the document are reasonable, well supported, justified, and appropriate to the problem. Also consider whether the recommendation accurately fulfills the direction given by FAA and whether the recommendation clearly states all opinions.

Consider whether or not the document is written in plain language. In a plain language document, readers can:

- Find what they need
- Understand what they find
- Use what they find to meet their needs.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 19 of 121

PART II: COMMITTEES THAT ARE REQUIRED TO FOLLOW THE FEDERAL ADVISORY COMMITTEE ACT (AVIATION RULEMAKING ADVISORY COMMITTEES)

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 20 of 121

PREFACE

PURPOSE

These operating procedures provide the Aviation Rulemaking Advisory Committee (ARAC) members and Federal Aviation Administration (FAA) personnel with information to help them understand and participate effectively in the ARAC process.

DISTRIBUTION

These operating procedures are available to all interested individuals on the FAA Web site at <http://www.faa.gov/avr/arm/index.cfm>.


REVISIONS AND UPDATES

The FAA's Office of Rulemaking revises these procedures to ensure the information is accurate. All revisions are available on the FAA Web site. Forward comments or recommended revisions to—

Office of Rulemaking
Federal Aviation Administration
ARM-20
800 Independence Avenue SW.
Washington, DC 20591
202-267-9677

ORGANIZATION OF THIS MANUAL

This manual is organized according to each ARAC participant's area of interest. Subjects common to all participants may be found in chapter 1, General Information About ARAC. Chapters 2 through 5 discuss the full committee, executive committee, issue areas, and working groups, respectively. Each of these chapters describes the organization and responsibilities of, and processes used by each of these groups within ARAC. Chapter 6 discusses the FAA and Joint Aviation Authorities harmonization process. Chapter 7 describes the FAA's role in the ARAC process. Finally, chapter 8 discusses the consensus process. The appendixes contain additional information concerning ARAC and tools used by ARAC to accomplish its goals. For a more detailed organization of the manual, see the table of contents.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 21 of 121

ACRONYMS

We have minimized the use of acronyms throughout the manual to make it easier to read. However, we use the following acronyms throughout the document.

ARAC	Aviation Rulemaking Advisory Committee
FAA	Federal Aviation Administration
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
JAA	Joint Aviation Authorities


	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 22 of 121	

TABLE OF CONTENTS

PREFACE

PURPOSE	
DISTRIBUTION	
REVISIONS AND UPDATES.....	
ORGANIZATION OF THIS MANUAL	
ACRONYMS.....	

CHAPTER 1—GENERAL INFORMATION ABOUT ARAC


PURPOSE	
OVERVIEW OF ARAC	
Definition of ARAC	
History of ARAC	
ARAC objectives.....	
Federal Advisory Committee Act (FACA) and ARAC	
ARAC membership.....	
Organization.....	
ARAC ADMINISTRATION	
Administrative structure	
ARAC meetings	
ARAC PROCESS	
Overview.....	
Task phase	
Working group formation phase.....	
Work plan/concept paper phase	
Recommendation development phase.....	
FAA action phase	

CHAPTER 2—FULL COMMITTEE

PURPOSE	
FULL COMMITTEE ORGANIZATION	
FULL COMMITTEE RESPONSIBILITIES	
FULL COMMITTEE PROCESS	
FULL COMMITTEE COMMUNICATION PROTOCOL	

CHAPTER 3—EXECUTIVE COMMITTEE.....

PURPOSE	
EXECUTIVE COMMITTEE ORGANIZATION.....	
EXECUTIVE COMMITTEE RESPONSIBILITIES	
EXECUTIVE COMMITTEE PROCESS	
Overview.....	
Task phase	
Working group formation phase	

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 23 of 121	

Work plan/concept paper phase
 Recommendation development phase.....
 EXECUTIVE COMMITTEE COMMUNICATION PROTOCOL

CHAPTER 4—ISSUE AREA


PURPOSE
 ISSUE AREA ORGANIZATION.....
 ISSUE AREA RESPONSIBILITIES
 Assistant chair.....
 Issue area member.....
 ISSUE AREA PROCESS—ASSISTANT CHAIR
 Overview.....
 Task phase
 Working group formation phase.....
 Work plan/concept paper phase
 Recommendation development phase.....
 ISSUE AREA PROCESS—ISSUE AREA MEMBER.....
 Overview.....
 Task phase
 Work plan/concept paper phase
 Recommendation development phase.....
 ISSUE AREA COMMUNICATION PROTOCOL

CHAPTER 5—WORKING GROUP

PURPOSE
 WORKING GROUP ORGANIZATION
 Definition of a working group.....
 Selecting the working group chair
 Selecting the FAA representative
 Selecting the working group members.....
 Adding a working group member.....
 Inviting someone to a working group meeting.....
 WORKING GROUP RESPONSIBILITIES.....
 Working group chair
 Working group member.....
 WORKING GROUP PROCESS—WORKING GROUP CHAIR
 Overview.....
 Task phase
 Working group formation phase.....
 Work plan/concept paper phase
 Recommendation development phase.....
 WORKING GROUP PROCESS—WORKING GROUP MEMBER.....
 Overview.....
 Task phase
 Working group formation phase.....
 Work plan/concept paper phase
 Recommendation development phase.....

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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 24 of 121	


WORKING GROUP CHAIR AND WORKING GROUP MEMBER COMMUNICATION PROTOCOL	
Working group chair	
Working group members	
RECORDKEEPING	
Maintaining working group records	
Making records available	

CHAPTER 6—FEDERAL AVIATION ADMINISTRATION/JOINT AVIATION AUTHORITY HARMONIZATION

PURPOSE	
GENERAL INFORMATION ABOUT HARMONIZATION AND THE JAA	
Harmonization.....	
Role of the JAA in Harmonization	
Role of ARAC in harmonization	
ORGANIZATION OF A HARMONIZATION WORKING GROUP.....	
RESPONSIBILITIES OF A HARMONIZATION WORKING GROUP CO-CHAIRS.....	
FAA/JAA HARMONIZATION PROCESS—HARMONIZATION WORKING GROUP	
Task phase	
Work plan/concept paper phase	
Recommendation development phase.....	

CHAPTER 7—FEDERAL AVIATION ADMINISTRATION ROLE IN ARAC

PURPOSE	
FAA PERSONNEL PARTICIPATING IN ARAC	
ARAC positions	
FAA representative.....	
Internal team	
RESPONSIBILITIES OF FAA PERSONNEL PARTICIPATING IN ARAC	
Executive director	
Assistant executive director	
FAA representative.....	
FAA internal team	
FAA ROLE IN THE ARAC PROCESS.....	
Overview.....	
Task phase	
Working group formation phase	
Work plan/concept paper phase	
Recommendation development phase.....	
FAA action phase	
FAA Personnel Communication Protocol.....	
FAA management.....	
FAA representative.....	
FAA internal team member.....	
Recordkeeping.....	
Maintaining ARAC full committee, executive committee, and issue area records.....	
Making records available.....	

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 25 of 121	

REPORTING ARAC ADMINISTRATIVE ACTIVITIES.....	
Annual Committee Report	
Monthly Expenditure Reports	

CHAPTER 8—CONSENSUS.....

PURPOSE	
DEFINITIONS RELATED TO CONSENSUS.....	
CONSENSUS PROCESS.....	
When consensus cannot be reached	
Request for a facilitator	
Objections	


APPENDIX A—MEETING ADMINISTRATION, FEDERAL ADVISORY

COMMITTEE ACT A-98

GENERAL INFORMATION ON ARAC MEETING ADMINISTRATION	A-98
NOTICES RELATED TO MEETING ADMINISTRATION.....	A-98
Federal Advisory Committee Act.....	A-98
General Services Administration.....	A-99
FAA policy.....	A-99
MEETING MINUTES.....	A-100
Contents of minutes.....	A-100
Persons responsible	A-100
Availability of minutes	A-101
AVAILABILITY OF RECORDS	A-101

APPENDIX B—AVIATION RULEMAKING ADVISORY COMMITTEE MEETINGS B-102

FULL COMMITTEE, EXECUTIVE COMMITTEE, AND ISSUE AREA MEETINGS	B-102
Location.....	B-102
Meetings held outside Washington, DC.....	B-102
Change of meeting location or date of meeting	B-103
Meeting frequency.....	B-103
Scheduling ARAC meetings.....	B-103
Notice of meetings	B-103
Public participation	B-104
Closed meetings.....	B-105
Meeting briefing.....	B-105
Meeting agenda	B-105
WORKING GROUP MEETINGS.....	B-105
Attendance	B-105
Location.....	B-106
Meeting frequency.....	B-106
Scheduling	B-106
Meeting guidelines	B-106
Change of meeting date.....	B-107

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 26 of 121

APPENDIX C—TELECONFERENCE MEETINGS C-108

Notice of teleconference.....	C-108
Arrangements	C-108
Teleconference participation	C-109
Meeting materials	C-109
Telephone call charges.....	C-109

APPENDIX D—AVIATION RULEMAKING ADVISORY COMMITTEE


RECOMMENDATIONS..... D-110

GENERAL	D-110
PROPOSED RULE	D-110
Submission standards	D-110
Preamble.....	D-111
Proposed rule	D-111
ADVISORY CIRCULAR	D-112
OTHER RECOMMENDATIONS.....	D-112

APPENDIX E— COST AND BENEFIT INFORMATION REQUESTED FROM HARMONIZATION WORKING GROUPS E-113

APPENDIX F—ADVISORY COMMITTEE MEETING LOCATION WAIVER FORM F-116

APPENDIX G—ARAC WORKING GROUP REPORT..... G-117

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 27 of 121

CHAPTER 1—GENERAL INFORMATION ABOUT ARAC

PURPOSE

This chapter provides Aviation Rulemaking Advisory Committee (ARAC) members with—

- An overview of ARAC,
- Information on ARAC’s composition, and
- A summary of the ARAC process.

OVERVIEW OF ARAC

Definition of ARAC

ARAC is a formal standing advisory committee made up of representatives from—

- Aviation associations,
- Aviation industry,
- Public interest groups,
- Advocacy groups, and
- Interested members of the public.

ARAC provides the Federal Aviation Administration (FAA) with information, advice, and recommendations, through the Associate Administrator for Regulation and Certification, related to aviation issues.

History of ARAC

The Secretary of Transportation and the FAA Administrator created a Departmental Task Force on FAA Reform to recommend improvements in operations within the FAA and between the FAA and the Office of the Secretary. The Secretary directed a subgroup of the task force to recommend changes that would improve the process for safety-related rulemakings. That subgroup proposed the establishment of an advisory committee to serve as a forum for the FAA to obtain input from the aviation industry on major regulatory issues. The Administrator established ARAC for this purpose on February 15, 1991.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 28 of 121

The FAA has the sole authority to task ARAC. This allows the FAA to work with industry and the public to improve the development of the FAA's regulations.

ARAC objectives

ARAC's objectives are to—

Improve development of the FAA's regulations by involving interested members of the public early in the development stage. The ARAC—

Includes the public's concerns and opinions in certain documents to reduce the probability of receiving nonsupportive public comments when a document is published.

Avoids placing unnecessary burdens on the public because of a lack of information.

Exchange ideas through the ARAC process, which gives the FAA additional opportunities to obtain firsthand information and insight from those parties most affected by existing and proposed regulations.

Federal Advisory Committee Act (FACA) and ARAC

The Federal Advisory Committee Act (FACA) governs ARAC's activities. (FACA, Title 5 of the United States Code, appendix 2.)

FACA states that—

Unless specified by a law or presidential directive, advisory committees must be used solely for advisory functions;

Standards and uniform procedures should govern the advisory committee's—

Establishment,

Operation,

Administration, and

Duration; and


Congress and the public must be kept informed of the advisory committee's—

Purpose,

Membership,

Activities, and

Cost.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 29 of 121

FACA also includes requirements on advisory committee—

Procedures,
Meetings,
Publication of notices in the Federal Register,
Annual reports,
Federal officer or employee attendance, and
Recordkeeping requirements.

Appendix A to this manual discusses FACA requirements as they relate to ARAC.

FACA requires the FAA to review the ARAC charter every 2 years to determine the need to continue ARAC. The Secretary of Transportation and the General Services Administration must approve each new ARAC charter.

Performance Measure: 120 Days before the charter expires, the charter will be reviewed to determine if renewal is necessary. If the charter review warrants the renewal of the ARAC charter, this process must be complete before the standing charter has expired. At this time, membership will be certified.

ARAC membership

The FAA selects organizations to serve on ARAC to ensure the membership is fairly balanced in terms of the—

Points of view of those represented and
Functions to be performed by ARAC.

The FAA also invites organizations with a limited interest in ARAC's work to participate as observers when ARAC considers matters concerning their areas of interest. Furthermore, an individual may participate at the working group level on a task he or she has a specific interest in without being an ARAC member.

The FAA limits ARAC membership to those organizations or individuals who have a substantial interest in or will be substantially affected by ARAC's mission. In making its selections, the FAA keeps in mind that ARAC membership should represent every segment of the aviation industry, plus the public. As the mission changes, the FAA adds member organizations when an organization's interests are not represented.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 30 of 121

If an organization is interested in becoming an ARAC member and believes the interests of that organization are not represented by current membership, the organization must petition the ARAC executive director to become a member. The petition must—

Indicate a desire to become an ARAC member.

Explain why the organization believes its interests are not represented by the current membership.

Describe the expertise the organization would bring to ARAC to enrich the ARAC process.

The ARAC executive director reviews the petition and notifies the organization whether the petition has been granted or denied. Mail the request to become a member to—

Federal Aviation Administration
Director, Office of Rulemaking
800 Independence Avenue SW.
Washington, DC 20591

ARAC members are groups the FAA determines represent the various viewpoints of those affected by the Federal Aviation Regulations. The members cover a broad spectrum of aviation interests that relate to—

Air carriers,
Air traffic,
Airports,
Flight attendants,
Manufacturers,
Pilots,
Public interest and advocacy groups,
Repair stations, and
Consumer issues.

The FAA posts the current ARAC member organizations on the FAA Web site at <http://www.faa.gov/avr/arm/aracmembership.htm>.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 31 of 121

Organization

ARAC is composed of—

- The full committee,
- The Executive Committee,
- Issue areas, and
- Working groups (which also include task groups).

Full committee: Made up of the member organizations that make up ARAC.

Executive Committee: Made up of aviation industry, FAA, Joint Aviation Authorities (JAA), and public interest representatives. Provides the overall administration of ARAC.


Issue area: Made up of ARAC members with interest in a specific subject area. The FAA assigns each issue area tasks related to that issue area's specific subject.

See chapter 4 for further information regarding issue areas.

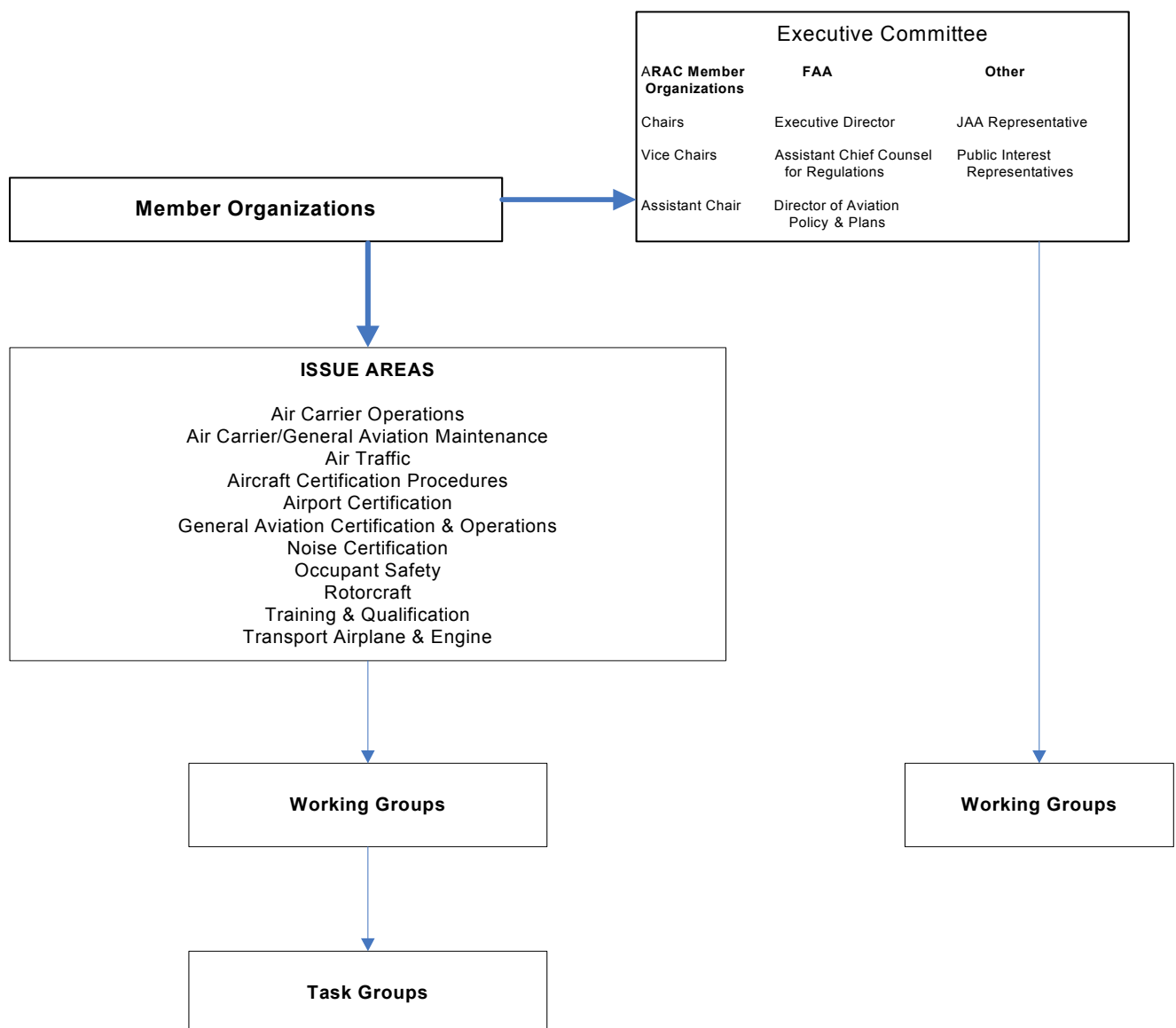
Working group: Made up of individuals selected by an issue area in consultation with the FAA to complete a specific task. The day-to-day work of ARAC takes place in the working groups. The individuals who comprise the working groups are responsible for completing each task ARAC assigns them. Members may form task groups within the working group to solve individual issues. ARAC member and non-ARAC member organizations, and individuals may be a part of working groups.

See chapter 5 for further information regarding working groups.

Note: A working group may report directly to the Executive Committee instead of an issue area. The Executive Committee then performs the same role as an issue area.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 32 of 121

A R A C O r g a n i z a t i o n



	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 33 of 121


Administrative structure

The following table describes the administrative structure of ARAC.

Position	Selected From	ARAC Participation	Term	Selection Process
ARAC member organizations	The aviation industry Public interest and advocacy groups	Executive Committee Issue area Working group Harmonization working group	Indefinite. However, the FAA reevaluates the ARAC member organizations every 2 years when it reviews the ARAC charter.	Interested parties submit a request to the executive director. The FAA considers whether the organization's interests— <ul style="list-style-type: none"> Are represented. Provide a unique perspective on any ARAC issues. The FAA Associate Administrator for Regulation and Certification designates ARAC member organizations.
Chair	ARAC member organization	Executive Committee	1 year	The vice chair from the previous year assumes the chair position or , if necessary, the FAA can appoint an individual from an ARAC member organization. <ul style="list-style-type: none"> The FAA ensures the chair position represents different aviation interests over time by rotating who holds the position through the membership.
Vice chair	ARAC member organization	Executive Committee	1 year	The FAA appoints the vice chair from different ARAC member organizations each year. <ul style="list-style-type: none"> The FAA ensures the vice chair position represents different aviation interests over time by rotating who holds the position through the membership. Note: At the end of the vice chair's term, the FAA selects the vice chair to assume the position of the chair.

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Check the Master List to Verify That This is the Correct Revision Before Use


	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 34 of 121

Administrative structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
Executive director	FAA	Executive Committee	Indefinite	There is no selection process. The Director of the Office of Rulemaking serves as the executive director and is the designated Federal official required by the FACA.
Assistant chair	ARAC member organization	Executive Committee Issue area	Indefinite	The FAA appoints an individual from an ARAC member organization.
Assistant executive director	FAA	Issue area	Indefinite	The FAA appoints the division manager with responsibility for a particular subject area.
Issue area member	ARAC member organization	Issue area	Indefinite	<ul style="list-style-type: none"> In consultation with the assistant chair and the assistant executive director, the executive director approves the selection of issue area member organizations. <p>ARAC and the FAA strive to keep the number of issue area members to a manageable number.</p>
Working group chair	ARAC member organization	Working group	Ends when all tasks are complete	The assistant chair responsible for the issue area, in consultation with the assistant executive director, appoints an individual.
Harmonization working group chair	JAA	Working group	Ends when all tasks are complete	The JAA appoints the chair.
Working group member	ARAC member organization FAA representative JAA representative Interested public/industry	Working group and/or harmonization working group	Ends when all tasks are complete	<p>The assistant chair, in consultation with the assistant executive director for the issue area, and the working group chair—</p> <p>Review the list of interested individuals responding to Federal Register notice or an FAA outreach effort.</p> <p>Appoint ARAC member, non-ARAC member, and interested public volunteers as working group members.</p>
FAA representative	FAA office of primary responsibility	Working group	Ends when all tasks are complete	The FAA office of primary responsibility assigns an FAA employee with technical expertise.

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Check the Master List to Verify That This is the Correct Revision Before Use

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 35 of 121

Administrative structure (continued)


Position	Selected From	ARAC Participation	Term	Selection Process
FAA internal team member	FAA	Supports the FAA representative assigned to the working group	Ends when all tasks are complete	The Rulemaking Management Council assigns the internal team members based on availability and workload. Team members include— <ul style="list-style-type: none"> • An attorney, • An economist, and • An Office of Rulemaking transportation industry analyst or directorate technical writer/editor.
JAA representative	JAA	Executive Committee Issue area Working group	Indefinite Indefinite Ends when all tasks are complete	The JAA and the FAA agree on the JAA representative. See issue area member selection process. See working group member selection process.
Public interest representative	Public interest or advocacy group	Executive Committee Issue area Working group	Indefinite Indefinite Ends when all tasks are complete	The FAA selects interested public volunteers for the Executive Committee. For issue area, see the issue area member selection process. For working group, see the working group selection process.
Economic policy representative	FAA	Executive Committee Working group — internal team	Indefinite	There is no selection process. The Director of the Office of Aviation Policy and Plans performs the tasks of this position.
Legal representative	FAA	Executive Committee Working group — internal team	Indefinite	There is no selection process. The Assistant Chief Counsel of Regulations from the Office of the Chief Counsel performs the tasks of this position.

Administrative structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
Office of Rulemaking transportation industry analyst	FAA	Issue area Supports assistant executive director Working group — internal team	Indefinite	There is no selection process. The Office of Rulemaking division manager with subject matter responsibility appoints the person to the position.

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Check the Master List to Verify That This is the Correct Revision Before Use

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 36 of 121

ARAC meetings

Procedures have been established that meet the FACA, Department of Transportation Committee Management Order 1100.30C, and Government procedures on meetings and teleconference requirements. A detailed discussion of meeting procedures according to FACA and FAA policy can be found in appendixes A, B, and C to this manual.

Proprietary information

The Office of Rulemaking often solicits information prior to rulemaking and receives information during rulemaking that may contain proprietary or private information. Generally, all information used in rulemaking must be available to the public and thus placed in the docket. However, if information furnished contains proprietary or private information, and if the ARAC participant requests that certain information be withheld or reasonably separated, the FAA will do everything reasonable to accommodate the privacy of the ARC member, in accordance with 14 CFR 11.35(b). If proprietary information is received in the Office of Rulemaking, it is usually passed on to either the Policy Office or the Office of Primary Responsibility. Any remaining information will be stamped "Proprietary Information" and placed in the project folder.


ARAC PROCESS

Overview

The ARAC process is divided into the following phases:

- Task,
- Working group formation,
- Work plan/concept paper,
- Recommendation development, and
- FAA action.

A general description of what takes place during each phase is provided below. A chart showing the flow of the phases follows the discussion. Activities specific to each ARAC participant's area of interest are discussed in more detail in each chapter and in the appendixes.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 37 of 121

Task phase

- Step 1.** The FAA determines that it needs assistance from ARAC on a rulemaking issue and tasks ARAC to develop a recommendation document. The FAA may ask for the recommendation as a technical report, rulemaking document, or advisory circular, or specify another type of document.
- Step 2.** The Executive Committee reviews the task, requests clarification or modification, and accepts or declines the task.
- Step 3.** If ARAC accepts the task, a notice is published in the Federal Register that—
Announces the FAA’s decision to task ARAC.
Assigns the task to a specific issue area and/or working group.
Solicits participation in the working group.
- The assistant chair, in consultation with the assistant executive director, may contact individuals directly to participate in the working group because an individual may possess a particular expertise that may help complete the task.

Performance Measure: *The Task document must meet the ARM requirements for contents.*

Working group formation phase

- Step 1.** The assistant chair (from the issue area related to the task subject) selects a working group chair from the responses of interested individuals, in consultation with the assistant executive director.
- Step 2.** The working group chair and assistant chair, in consultation with the assistant executive director, select working group members from the responses of interested individuals.

See chapter 5 for information on working groups.
- Step 3.** The assistant executive director notifies each individual of his or her selection or nonselection to the working group.


Work plan/concept paper phase

- Step 1.** The working group chair schedules an initial working group meeting. At the meeting the—
Office of Rulemaking briefs the working group on the ARAC process, and

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 38 of 121

FAA representative briefs the working group on the task.

- Step 2.** The working group meets as necessary to prepare—
- A work plan that describes a schedule, the method the working group is going to use to complete an assigned task, and what the working group has to do and how it is going to do it.
 - A concept paper that serves as the outline for its recommendation document and discusses the working group’s proposed ideas in detail.
- Step 3.** The working group discusses and reaches consensus on the work plan and concept paper.
- Step 4.** The working group chair sends the work plan and concept paper to the assistant chair and requests time on the next issue area meeting agenda to present the work plan and concept paper.
- Step 5.** The assistant chair distributes the work plan and concept paper to the issue area members to review before the next issue area meeting. The work plan and concept paper are generally distributed at least 3 weeks before the meeting.
- Step 6.** The working group chair presents the work plan and concept paper to the issue area members at an issue area meeting.
- Step 7.** The issue area members deliberate and reach consensus on the work plan and concept paper. The issue area members may send the work plan and/or concept paper back to the working group for revision, if necessary.
- Step 8.** The issue area accepts the working group’s work plan and concept paper.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 39 of 121


Recommendation development phase

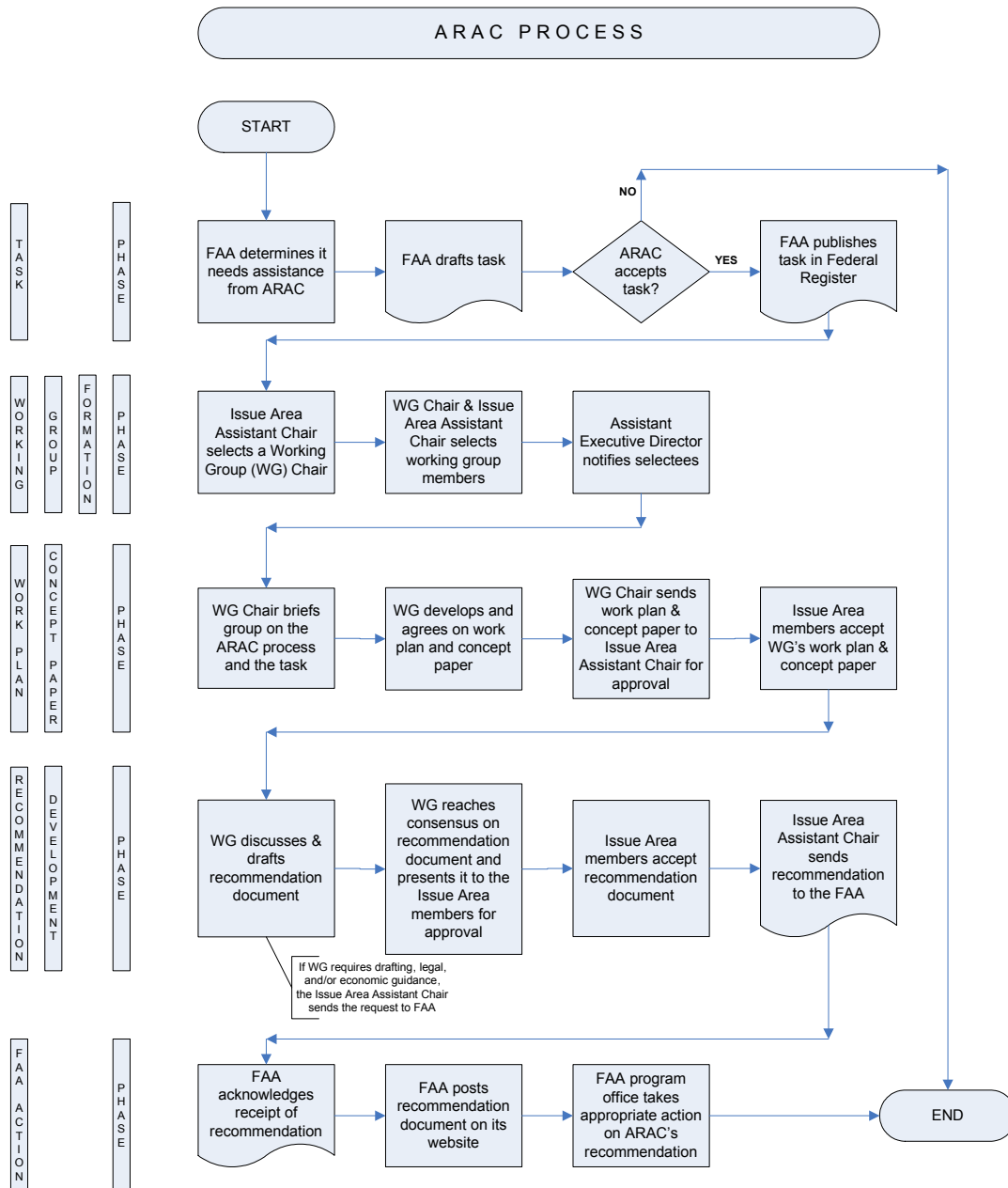
- Step 1.** The working group members meet to discuss and draft the recommendation document. (The working group may request drafting, legal, and/or economic guidance. Such a request is made to the FAA through the issue area assistant chair.)
- Step 2.** The working group discusses and reaches consensus on the recommendation and accepts the recommendation document.
- Step 3.** The working group sends the recommendation document to the issue area for approval. If the recommendation document is in the form of a proposed rule, the Office of Rulemaking sends the document through the Associate Administrator for Regulation and Certification to formally request an economist to prepare an economic evaluation and an attorney for legal review.
- Step 4.** The working group reviews the economic evaluation and any changes from the attorney. A summary of the economic evaluation is inserted into the preamble. The working group repeats step 2.
- Step 5.** The working group chair sends the recommendation document to the assistant chair and requests time on the next issue area meeting agenda to present the document.
- Step 6.** The assistant chair distributes the recommendation document to issue area members to review before the next issue area meeting. The document is generally distributed 30 days before the meeting.
- Step 7.** The working group chair presents the recommendation document to the issue area members.
- Step 8.** The issue area members deliberate and reach consensus on the recommendation document. The issue area members may send the recommendation back to the working group for revision, if necessary.
- Step 9.** The issue area accepts the working group's recommendation document.
- Step 10.** The assistant chair prepares a transmittal letter to the FAA and sends the formal hard copy of the document to the FAA through the Associate Administrator for Regulation and Certification. The assistant chair also provides the Office of Rulemaking transportation industry analyst assigned to the issue area with an electronic copy of the letter and formally sends a hard copy of the document to the analyst.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 40 of 121

FAA action phase

- Step 1.** The FAA acknowledges receipt of the recommendation document and tells ARAC of its intended actions on the document.
- Step 2.** The FAA posts the recommendation document on its Web site at http://www.faa.gov/avr/arm/arac_index.htm within 3 weeks of receipt of the document.
- Step 3.** If the recommendation is a rulemaking document, the Office of Rulemaking processes the rulemaking document. The office of primary responsibility prepares the rulemaking project record for the rulemaking document. If the recommendation is not a rulemaking document, the Office of Rulemaking forwards the recommendation document to the office of primary responsibility for processing within the FAA.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 41 of 121



	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 42 of 121

CHAPTER 2—FULL COMMITTEE

PURPOSE

This chapter provides Aviation Rulemaking Advisory Committee (ARAC) full committee members with information on participation in the ARAC process.

FULL COMMITTEE ORGANIZATION

The full committee is composed of the ARAC member organizations. ARAC member organizations cover a broad spectrum of aviation interests and include organizations related to—

- Air carriers,
- Manufacturers,
- Repair stations,
- Airports,
- Pilots,
- Flight attendants,
- Air traffic, and
- Public interest and advocacy.

The Federal Aviation Administration (FAA) posts the current ARAC member organizations on the FAA Web site at <http://www.faa.gov/avr/arm>.

FULL COMMITTEE RESPONSIBILITIES

Full committee members participate fully in one or more of the ARAC issue areas.

FULL COMMITTEE PROCESS

Full committee members participate in each phase of the ARAC process by serving as part of the issue areas and working groups, and attending full committee meetings.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 43 of 121


See chapters 4 and 5 for detailed information on participation in the process at the issue area and working group levels, respectively. You can find information on ARAC meetings in appendix B.

FULL COMMITTEE COMMUNICATION PROTOCOL

Full committee members—

May contact the FAA through the executive director about ARAC tasks.

When participating as issue area or working group members, should see chapters 4 and 5 for communication protocol.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 44 of 121

CHAPTER 3—EXECUTIVE COMMITTEE

PURPOSE

This chapter provides Executive Committee members with specific information to enable them to participate effectively in the Aviation Rulemaking Advisory Committee (ARAC) process.

EXECUTIVE COMMITTEE ORGANIZATION

The Executive Committee provides the overall administrative oversight of ARAC activities, including all full committee and issue area activities.

The Executive Committee consists of the—

- Chair,
- Vice chair,
- Executive director (Director of the Office of Rulemaking),
- Assistant chairs,
- Representatives from public interest and advocacy groups,
- Joint Aviation Authorities (JAA) representative,
- Director of the Office of Aviation Policy and Plans, and
- Assistant Chief Counsel for Regulations from the Office of the Chief Counsel.

The ARAC chair leads all Executive Committee activities.

EXECUTIVE COMMITTEE RESPONSIBILITIES

Executive Committee members are responsible for—

- Attending Executive Committee meetings.
- Providing management oversight of ARAC activities.
- Discussing the status of each issue area.
- Addressing problems and concerns.
- Updating general and administrative information on ARAC.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 45 of 121

Performing the same role as an issue area for working groups that report directly to the Executive Committee.

EXECUTIVE COMMITTEE PROCESS


Overview

The Executive Committee participates in the ARAC process as follows. For special circumstances, see the second table.

Phase	Action
Task phase	Reviews the task. Accepts the task. Decides where to assign the task.
Working group formation phase	Takes no action.
Work plan/concept paper phase	Takes no action.
Recommendation development phase	Takes no action.
Federal Aviation Administration (FAA) action phase	Takes no action.

A working group can report to the Executive Committee in special circumstances. If a working group has been formed to report directly to the Executive Committee, the Executive Committee participates in the ARAC process as follows:

Phase	Action
Task phase	Reviews the task. Accepts the task.
Working group formation phase	Appoints a working group chair. Selects working group members.
Work plan/concept paper phase	Discusses the work plan and concept paper. Reaches consensus on the work plan and concept paper.
Recommendation development phase	Discusses the recommendation document and reviews working group products. Reaches consensus on the recommendation document. Accepts the recommendation document. Prepares a letter to the FAA and transmits the document.
FAA action phase	Takes no action.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 46 of 121

Task phase

The FAA sends the Executive Committee a description of the task. The Executive Committee—
Requests clarification on or modifications to the task, if necessary, before deciding to accept the task.

Reaches consensus on whether to accept the task. (See chapter 8 for information on reaching consensus.)

Decides which issue area and working group should be assigned the task.

Note: ARAC may only undertake tasks approved by the FAA and published in the Federal Register. In addition, ARAC may not modify a task without prior FAA approval.

Working group formation phase

The Executive Committee selects the working group chair and the working group members using the selection criteria described below.

Appointing a working group chair

The ARAC chair and the executive director should ensure the working group chair—

Possesses technical expertise in the specific task area.

Is capable of organizing and leading the working group.

Possesses facilitation skills.

Has a balanced perspective on the issue(s).

Is available to participate fully in the working group activities.

Note: The working group chair does not have to be a representative of any of the ARAC member organizations but usually is a representative from the aviation industry.

Selecting working group members

The ARAC chair, along with the executive director and the working group chair, selects working group members by reviewing the list of individuals interested in participating in the working group. Using the criteria listed below, the team appoints qualified individuals from the list and ensures the working group has a balanced membership in the representation of interests.

Working group members should be selected based on their—

Technical expertise in the task area, and

Availability to participate fully in the working group activities.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 47 of 121

In addition, working group members—

Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues in completing the assigned task.

Do not need to be representatives of any of the ARAC member organizations represented on the full committee.

Should be selected from interested parties, such as aviation-related manufacturers, operators, associations, unions, and public interest and advocacy groups; airports; air traffic services; and the general public, who petitioned in response to the Federal Register notice to be working group members.

Work plan/concept paper phase

To accept a work plan and concept paper from a working group, the Executive Committee members—

Discuss the work plan and concept paper at an Executive Committee meeting.

Deliberate at the Executive Committee meeting to reach consensus on whether to accept the work plan and concept paper or to have the working group revise the work plan and/or concept paper for resubmission.

Note: The Executive Committee must accept the concept paper for the working group to request FAA drafting assistance.

Recommendation development phase

Accepting the recommendation document

To accept a working group's final recommendation document, the ARAC chair—

Reviews the recommendation document before the public meeting where the document is presented. (Typically, the ARAC chair receives the recommendation document 30 days before the meeting.)

Discusses the recommendation document with the other Executive Committee members during the meeting.

Deliberates with the other Executive Committee members to reach consensus on whether to accept the working group's recommendation document before it is submitted to the FAA.

Deliberates to resolve any issues if the Executive Committee does not reach consensus and returns the document to the working group for appropriate action.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 48 of 121

Transmitting the recommendation document

After the Executive Committee reaches consensus on the working group's recommendation, the ARAC chair prepares a cover letter addressed to the Associate Administrator for Regulation and Certification that accompanies the recommendation document to the FAA. The ARAC chair sends the formal hard copy of the document to the FAA through the Associate Administrator for Regulation and Certification. The assistant chair also provides the Office of Rulemaking transportation industry analyst assigned to the issue area with an electronic copy of the letter and document.

EXECUTIVE COMMITTEE COMMUNICATION PROTOCOL

Person to Contact	How to Contact That Person
Issue area member	Contact the issue area member directly.
Working group member	Contact the ARAC chair.

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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 49 of 121

CHAPTER 4—ISSUE AREA

PURPOSE

This chapter provides members and issue area management with specific information about the responsibilities of issue area members.

ISSUE AREA ORGANIZATION

An issue area is a group of Aviation Rulemaking Advisory Committee (ARAC) member organizations assigned to address a specific subject area.

The following issue areas are represented in ARAC:

- Air Carrier/General Aviation Maintenance,
- Air Carrier Operations,
- Air Traffic,
- Aircraft Certification Procedures,
- Airport Certification,
- General Aviation Certification and Operations,
- Noise Certification,
- Occupant Safety,
- Rotorcraft,
- Training and Qualification, and
- Transport Airplane and Engine.

Note: Visit the Federal Aviation Administration (FAA) Web site at <http://www.faa.gov/avr/arm/aracmembership.cfm?NAV=6> for a current list of the issue areas and membership.

An assistant chair and an assistant executive director lead each issue area.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 50 of 121

ISSUE AREA RESPONSIBILITIES

Assistant chair

The following table describes the assistant chair's responsibilities:

Administrative	Working Group Formation Phase	Work Plan/Concept Paper and Recommendation Development Phases
<p>Serves as the focal point for all ARAC activity and communications in an issue area.</p> <p>Presides at issue area meetings.</p> <p>Advises the Office of Rulemaking transportation industry analyst of any ARAC meetings to be included on the ARAC Web site.</p> <p>Certifies the accuracy of the minutes of the issue area meetings.</p>	<p>Establishes appropriate working groups, if necessary.</p> <p>Ensures each working group is balanced in membership, in consultation with assistant executive director.</p> <p>Ensures each task assigned to ARAC within the assistant chair's issue area is adequately defined and understood by all concerned.</p> <p>Appoints each working group chair, in consultation with the assistant executive director.</p> <p>Selects each working group member, in consultation with the assistant executive director and the appropriate working group chair.</p>	<p>Monitors the progress of each working group.</p> <p>Ensures working group activity progresses in an orderly fashion.</p> <p>Requests drafting, legal, and economic guidance from the executive director in consultation with the assistant executive director, when appropriate.</p> <p>Conducts indepth reviews of working group reports.</p> <p>Reviews proposed recommendation documents to determine whether harmonization has been maximized, when appropriate.</p> <p>Ensures ARAC recommendation documents within the assistant chair's issue area are submitted to the FAA on schedule and in an acceptable form.</p> <p>Transmits ARAC recommendation documents to the FAA.</p>


Issue area member

An issue area member is responsible for—

- Attending issue area meetings.
- Contributing his or her respective aviation knowledge and expertise.
- Coordinating with the constituents in his or her organization.
- Participating fully in ARAC activities by representing his or her organization's and its constituents' viewpoint(s).

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Check the Master List to Verify That This is the Correct Revision Before Use

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 51 of 121

Advising the assistant chair and the assistant executive director when he or she can no longer represent his or her organization in an issue area.

ISSUE AREA PROCESS—ASSISTANT CHAIR

Overview

The assistant chair participates in the ARAC process as follows:

Phase	Action
Task phase	Reviews the task. Clarifies the task. Coordinates the task with issue area members. Assigns the task to a working group. Negotiates the task schedule.
Working group formation phase	Appoints the working group chair. Selects the working group members.
Work plan/concept paper phase	Places the completed work plan and concept paper on the issue area public meeting agenda. Reviews the work plan and concept paper.
Recommendation development phase	Notifies the FAA of the need for drafting, economic, and legal guidance, when appropriate. Places the recommendation presentation on the issue area public meeting agenda. Distributes the recommendation document (generally 30 days before next issue area meeting). Reviews the recommendation document. Prepares the letter to the FAA and sends the recommendation document to the FAA.
FAA action phase	Takes no action.

Task phase

The assistant chair—

- Receives a copy of the task from the FAA to review.
- Coordinates the task with issue area members.
- Comments on the task and redefines or clarifies it, as necessary.
- Advises the FAA of any suggested changes to the task.

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Check the Master List to Verify That This is the Correct Revision Before Use

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 52 of 121

Assigns the task to a working group.

The assistant chair may negotiate the schedule with the assistant executive director, in consultation with the executive director, if he or she determines the FAA-imposed deadline cannot be met.

Working group formation phase

During this phase, the assistant chair participates in appointing the working group chair and selecting the working group members using the selection criteria described below.

Appointing a working group chair

The assistant chair appoints a working group chair who—

- Possesses technical expertise in the specific task area.
- Is capable of organizing and leading the working group.
- Possesses facilitation skills.
- Has a balanced perspective on the issues.
- Is available to fulfill the duties of the working group chair.

Note: The working group chair does not have to be a representative of any of the ARAC member organizations.

Selecting working group members

A team made up of the assistant chair, the assistant executive director, and the working group chair selects working group members by reviewing the list of individuals interested in participating in the working group. Using the criteria listed below, this team appoints qualified individuals from the list and ensures the working group has a balanced membership in the representation of interests.

Working group members should be selected based on their—

- Technical expertise in the task area, and
- Availability to participate fully in working group activities.

In addition, working group members—

- Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues in the completion of the assigned task.
- Should not include representatives from any of the ARAC member organizations represented on the full committee.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 53 of 121

Should be selected from interested parties. Interested parties include those who petitioned in response to the Federal Register notice to be a working group member, such as aviation-related manufacturers, operators, associations, unions, and public interest and advocacy groups; airports; air traffic services; and the general public.

Work plan/concept paper phase

In the work plan/concept paper phase, the assistant chair—

- Schedules the completed work plan and concept paper for discussion at the issue area's next public meeting agenda.

- Oversees discussions on the task to reach consensus on whether to accept the working group's work plan and concept paper or to task the working group with refining its goals and presentation.

- Documents the issue area's reasons for accepting or not accepting the work plan and/or concept paper.

- Ensures the working group is proceeding on the right track.

Recommendation development phase

Obtaining support services

During the working group's development of the recommendation document, the assistant chair may arrange for drafting, legal, and economic guidance. The assistant chair contacts the Office of Rulemaking transportation industry analyst assigned to the FAA internal team to arrange for drafting support.

To arrange for legal and economic support, the assistant chair—

- Notifies the Office of Rulemaking in writing.

- Provides the Office of Rulemaking with a copy of the accepted draft recommendation document with the notification.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 54 of 121

Accepting a recommendation document

The assistant chair—

- Schedules the working group's recommendation document on the issue area's next public meeting agenda.

- Sends all issue area members the recommendation document for their review before the public meeting. Typically, the assistant chair sends the document electronically to members 30 days before the meeting.

- Ensures the issue area members discuss the recommendation document and deliberate to reach consensus on whether to accept the working group's recommendation document or to task the working group with refining its recommendation document.

Transmitting a recommendation document


After the issue area reaches consensus on the working group's recommendation document, the assistant chair prepares a cover letter addressed to the Associate Administrator for Regulation and Certification that accompanies the recommendation document to the FAA. The assistant chair sends the formal hard copy of the document to the FAA through the Associate Administrator for Regulation and Certification. The assistant chair also provides the Office of Rulemaking transportation industry analyst assigned to the issue area with an electronic copy of the letter and document.

ISSUE AREA PROCESS—ISSUE AREA MEMBER

Overview

Issue area members participate in the ARAC process as follows:

Phase	Action
Task phase	Review the task statement.
Working group formation phase	Take no action.
Work plan/concept paper phase	Discuss the work plan and concept paper. Reach consensus on the work plan and concept paper.
Recommendation development phase	Discuss the recommendation document. Reach consensus on the recommendation document. Accept the recommendation document.
FAA action phase	Take no action.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 55 of 121

Task phase

Issue area members review the task statement.

Work plan/concept paper phase

Issue area members—

Discuss with the other issue area members the work plan and concept paper the working group presents to the issue area at a public meeting.

Deliberate with the other issue area members to reach consensus on whether to accept the work plan and concept paper, or to task the working group with revising the work plan and/or concept paper for resubmission to the issue area, if necessary.

Recommendation development phase

Issue area members—


Review the recommendation document before the public meeting at which the document is presented. (Typically, issue area members receive the recommendation document electronically from the assistant chair 30 days before the meeting.)

Discuss the recommendation document with the other issue area members at the public meeting.

Deliberate with other issue area members to reach consensus on whether to accept the working group's recommendation document for submission to the FAA.

Deliberate to resolve any issues if the issue area members do not reach consensus and return the document to the working group for appropriate action.

Ensure minority opinions are included in the recommendation document.


	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 56 of 121

ISSUE AREA COMMUNICATION PROTOCOL

Person to Contact	How to Contact That Person
Member of another issue area	Contact the assistant chair and the Executive Committee to formally contact an issue area member in a different issue area.
Issue area member within your issue area	Communicate directly and informally with another issue area member within the issue area.
Working group chair or working group member	Contact the assistant chair.
FAA management	Contact the assistant executive director.
FAA employee	<p>Contact a member of the FAA internal team assigned to a certain task.</p> <p>If there is a question about a working group activity, the FAA encourages discussing the concern with the working group chair, then contacting the FAA representative assigned to the working group.</p> <p>If the question is procedural, contact the FAA representative or the designated Office of Rulemaking transportation industry analyst or directorate technical writer/editor.</p>

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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 57 of 121

CHAPTER 5—WORKING GROUP

PURPOSE

This chapter provides working group members with specific information to enable them to participate effectively in the Aviation Rulemaking Advisory Committee (ARAC) process.

WORKING GROUP ORGANIZATION

Definition of a working group

A working group is a group of individuals who are selected to complete a specific task. The working group acts as staff to ARAC. Harmonization working groups act as staff to ARAC and the Joint Aviation Authorities (JAA).

A working group includes—

- The working group chair,
- A Federal Aviation Administration (FAA) representative,
- Individuals from ARAC member and non-ARAC member organizations, and
- Interested individuals from the general public.

A working group chair provides administrative oversight of each working group. However, the working group reports directly to the assistant chair of the issue area it is under. In the case of a working group that reports directly to the Executive Committee, the working group reports directly to the ARAC chair.

See chapter 6 for information on harmonization working groups.

Selecting the working group chair

The working group chair may be an individual from an ARAC member or non-ARAC member organization, or the interested public.

The working group chair must—

- Be a technical expert in the specific task area.
- Possess meeting facilitation skills.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 58 of 121

Be capable of organizing and leading the working group.

Be available to meet the duties and responsibilities of the position.

Selecting the FAA representative

The FAA representative should be from the FAA office of primary responsibility that requested the subject matter be tasked to ARAC.

See chapter 7 for more information on the FAA's role in the working group.

Selecting the working group members

Any interested individual may petition to become a member of a working group.

Each working group member should be selected based on his or her—

Technical expertise in the task area, and

Availability to participate fully in working group activities.

In addition, working group members—

Should be diverse and represent a balanced selection of the aviation industry capable of providing a thorough examination of the issues in the completion of the assigned task.


Can represent non-ARAC members.

Should be selected from interested parties, such as aviation-related manufacturers, operators, associations, unions, and public interest and advocacy groups; airports; air traffic services; and the general public, who petitioned in response to the Federal Register notice to be a working group member.

Note: There is no restriction on the number of individuals who may serve on a working group; however, a working group should consist only of individuals who participate fully in working group discussions and should be limited to a manageable number.

Adding a working group member

After the working group has been established, new members may be added using the following steps.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 59 of 121	

- Step 1.** An interested person petitions the assistant executive director (or executive director, as appropriate)—
- Indicating a desire to participate in a working group.
 - Describing the expertise he or she would bring to the working group.
- Step 2.** The working group chair, assistant executive director, and assistant chair (or executive director and ARAC chair, as appropriate)—
- Determine the balance of expertise on the working group.
 - Assess whether that person should be added to the working group.
- Step 3.** The assistant executive director (or executive director, as appropriate) responds with a letter indicating acceptance or denial of membership.
- Step 4.** When a new member is added to the working group, the new member is expected to cooperate in restricting his or her participation to only those new items being discussed and to avoid discussing items previously agreed on and closed out by the working group.

Note: If a working group member leaves the working group, a replacement may be added from the same organization as the exiting member without submitting a letter. The working group chair approves the replacement.

Inviting someone to a working group meeting

From time to time, working groups may need information not obtainable from working group members. As a result, when appropriate and with the approval of the working group chair, a working group member may invite persons other than working group members to speak directly to a working group, participate in its discussions, and act in a consultant capacity. However, these invited persons are not members of the working group and may not participate in reaching consensus.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 60 of 121

WORKING GROUP RESPONSIBILITIES

Working group chair


The following table describes the working group chair's responsibilities:

Administrative	Working Group Formation Phase	Work Plan/Concept Paper and Recommendation Development Phases
<p>Ensures the working group contains a balanced diversity of members who will contribute to the final product and team success.</p> <p>Establishes and maintains an optimum working group size to provide expertise and industry interest necessary to achieve informed consensus and ensure success.</p> <p>Removes inactive, nonparticipating, or disruptive members.</p> <p>Enforces the ground rules adopted by the working group.</p> <p>Selects working group meeting locations to minimize working group member costs.</p> <p>Arranges working group meetings that require attendance by the attorney and/or economist within the 48 contiguous States of the United States, when possible.</p> <p>Sets tentative meeting dates (typically 30 days in advance) to reduce work conflicts and maximize working group member participation.</p> <p>Advises the Office of Rulemaking (typically 30 days in advance) of the working group meeting times for inclusion in the ARAC Web site.</p>	<p>For working groups reporting to an issue area, works with the assistant chair and assistant executive director to select working group members and establish an optimum working group size to provide expertise and industry interest necessary to complete the task.</p> <p>For working groups reporting to the Executive Committee, works with the ARAC chair and executive director to select working group members and establish an optimum working group size to provide expertise and industry interest necessary to complete the task.</p> <p>Schedules the initial working group meeting.</p> <p>Schedules the ARAC briefing during the initial working group meeting.</p> <p>Establishes the task group, as appropriate, to accomplish a task.</p>	<p>Ensures the working group considers all viewpoints, relevant background material, suggestions, and ideas.</p> <p>Establishes task groups, as appropriate.</p> <p>Participates as a member of the working group during deliberations to reach consensus unless another representative from his or her organization is on the working group to represent the organization's viewpoint.</p> <p>Ensures all working group members have a clear understanding of the task and scheduled completion date.</p> <p>Ensures the working group develops and strives to reach consensus on a work plan, concept paper, and recommendation document.</p> <p>Ensures minority positions are presented for each work plan, concept paper, and recommendation document when presented.</p> <p>Ensures, in coordination with the FAA representative, that the attorney and economist concur with the work plan, concept paper, and recommendation document.</p>

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 61 of 121

Working group chair (continued)

Administrative	Working Group Formation Phase	Work Plan/Concept Paper and Recommendation Development Phases
<p>Develops an agenda and distributes it to each working group member before each working group meeting.</p> <p>Transmits a written status report to the assistant chair (or ARAC chair, as appropriate) if the report is to be distributed to ARAC members at the issue area or Executive Committee meeting.</p> <p>At each issue area meeting (or Executive Committee meeting, as appropriate), assists the assistant chair by reporting on—</p> <ul style="list-style-type: none"> • The working group's progress, • Decisions reached, • Follow-on actions needed, • The schedule, and • Issues remaining to be resolved. <p>Ensures meeting notes are taken, motions are discussed, and consensus is reached and recorded. If consensus cannot be reached, documents minority opinions.</p> <p>Maintains working group records.</p> <p>Coordinates with other working group chairs to ensure there is no duplication of efforts or conflict of concepts.</p> <p>Ensures there is consistency between the documents being prepared for the FAA and the JAA, when appropriate.</p>		<p>Presents the working group's work plan, concept paper, and recommendation document to the issue area (or Executive Committee, as appropriate) for acceptance.</p> <p>Requests drafting support from the assistant chair (or ARAC chair) at the appropriate stage in deliberations.</p> <p>Promotes collaboration, ensures progress toward consensus is being achieved, and resolves conflicts.</p> <p>Obtains informal legal or economic guidance through the FAA representative, and advises the assistant chair (or ARAC chair) as soon as he or she is aware of the target date the formal legal or economic support will be required.</p> <p>Works directly with any FAA-supplied contractor providing drafting support.</p> <p>Ensures the working group drafts the proposed recommendation document.</p> <p>Ensures adequate alternatives are considered and documents the selection or nonselection of alternatives.</p> <p>Ensures each proposed recommendation document submitted to ARAC for acceptance is a complete package. (See appendix D for more information.)</p>

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 62 of 121

Working group member

Each working group member—

Attends working group meetings.

Contributes his or her respective aviation knowledge and expertise to the tasks assigned to the working group.

Coordinates with his or her constituents to gain their input early in the process.

Actively represents his or her organization's viewpoints.

Prepares the work plan, concept paper, and recommendation documents. It is essential that each working group member understands the document being prepared and any supporting documents.

Quality Standards for Documents

During preparation of these documents, the working group member should consider the following Quality Standards for Documents:

During the working group process, consider whether all decisions contained in the document are reasonable, well supported, justified, and appropriate to the problem. Also consider whether the recommendation accurately fulfills the tasking given by FAA and whether the document clearly states all opinions.

Consider whether or not the document is written in plain language. In a plain language document, readers can:

- Find what they need
- Understand what they find
- Use what they find to meet their needs.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 63 of 121

WORKING GROUP PROCESS—WORKING GROUP CHAIR


Overview

The working group chair participates in the ARAC process as follows:

Phase	Action
Task phase	When the Federal Register notice is published, determines whether the working group wants to participate. If so, responds to the Federal Register notice.
Working group formation phase	Reviews responses to Federal Register notice by interested individuals. Selects working group members. Schedules the initial working group meeting.
Work plan/concept paper phase	Schedules and arranges working group meetings. Contacts the assistant chair to secure time on the issue area's next public meeting agenda to present the work plan and concept paper. Provides the assistant chair a copy of the work plan and concept paper. Presents the work plan and concept paper to ARAC for acceptance. Provides the assistant chair with status updates on the working group's activities.
Recommendation development phase	Notifies the assistant chair (or Executive Committee) of a need for drafting support. Notifies the assistant chair of the need for economic and legal support. Contacts the assistant chair to secure time on the issue area's next public meeting agenda to present the recommendation document. Provides the assistant chair a copy of the recommendation document. Presents the recommendation document to ARAC for acceptance.
FAA action phase	Takes no action.

Task phase

In the task phase, interested individuals respond to the Federal Register notice announcing an ARAC task.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 64 of 121	

Working group formation phase

Selecting working group members

The working group chair, along with the assistant executive director and the assistant chair (or executive director and ARAC chair, as appropriate), selects working group members by reviewing the list of interested individuals who petitioned in response to the Federal Register notice to be a working group member. Using the criteria listed below, the ARAC chair, in consultation with the assistant executive director and assistant chair, selects individuals from the list ensuring the working group has a balanced membership.

Each working group member should be selected based on his or her—

- Technical expertise in the task area and
- Availability to fully participate in working group activities.


In addition, working group members—

- Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues in the completion of the assigned task.
- Do not need to be representatives of any of the ARAC member organizations represented on the full committee.

Planning the initial working group meeting

After the working group members are selected, the working group chair—

- Establishes the date, time, and location of the initial working group meeting.
- Contacts the Office of Rulemaking transportation industry analyst or directorate technical writer/editor to provide the date, time, and location of the initial working group meeting for the ARAC Web site.
- Notifies the working group members, by electronic mail or in writing, of the date, time, and location of the initial working group meeting.
- Requests that the Office of Rulemaking brief the working group on ARAC procedures at the initial meeting.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 65 of 121

Work plan/concept paper phase

Conducting the initial working group meeting

The working group is briefed by the Office of Rulemaking during the initial working group meeting regarding the—

Duties, responsibilities, and requirements of the working group chair and the working group, and
ARAC process.

Preparing the completed work plan and concept paper for presentation

After the working group develops the work plan and concept paper, the working group chair—

- 1.....
Contacts the assistant chair (or ARAC chair, as appropriate) and secures a time on the issue area's (or Executive Committee's, as appropriate) next public meeting agenda to present the work plan and concept paper. The working group chair may coordinate this informally by electronic mail or fax.
- 2.....
Provides the assistant chair (or ARAC chair, as appropriate) with the work plan and concept paper for distribution to all issue area members (or the Executive Committee, as appropriate) for review at least 30 days before the meeting.
- 3.....
Ensures the Federal Register notice announcing the public meeting includes presentation of the work plan and concept paper.
- 4.....
Ensures copies of the work plan and concept paper are made available for advance distribution as requested (other than those individuals mentioned in item 2 above).
- 5.....
Ensures the internal team members are invited to attend the ARAC issue area public meeting.

Presenting the work plan and concept paper

At the ARAC public meeting, the working group chair—

- Presents the working group's work plan and concept paper to the issue area (or Executive Committee, as appropriate) for acceptance.
- Answers questions from the issue area members (or Executive Committee, as appropriate) and/or any interested members of the public in attendance.
- Provides status updates on the working group's activities.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 66 of 121

Recommendation development phase

Obtaining support services

The working group chair notifies the assistant chair (or ARAC chair, as appropriate) to arrange for drafting, legal, and economic support.

If the FAA provides drafting support, the working group chair gives the document drafter any supporting documentation for use in writing the draft document, such as—

- Notes,
- Suggestions,
- Decisions made,
- Consensus reached, and
- The justifications for each decision, any alternatives considered, and action recommended.

Preparing the recommendation document for presentation


After the working group develops a recommendation document, the working group chair—

- Contacts the assistant chair (or ARAC chair, as appropriate) and secures time on the issue area's (or Executive Committee's, as appropriate) next public meeting agenda to present the recommendation document.
- Provides the assistant chair (or ARAC chair, as appropriate) with the recommendation document for distribution to all issue area members (or the Executive Committee, as appropriate) for review at least 30 days before the meeting.
- Ensures the Federal Register notice includes presentation of the recommendation document in the agenda.
- Ensures copies of the recommendation document are made available for advance distribution as requested.

Presenting the recommendation document

At the ARAC public meeting, the working group chair—

- Presents the working group's recommendation document to the issue area (or Executive Committee, as appropriate) for acceptance.
- Answers questions from the issue area members (or Executive Committee, as appropriate) and any interested members of the public.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 67 of 121

WORKING GROUP PROCESS—WORKING GROUP MEMBER

Overview

Working group members participate in the ARAC process as follows:


Phase	Action
Task phase	As potential working group members, respond to the Federal Register request for individuals interested in participating in the working group.
Working group formation phase	Confirm intent to participate on working group once notified of selection.
Work plan/concept paper phase	Attend meetings. Develop the work plan and concept paper.
Recommendation development phase	Develop the recommendation document. Reach consensus on the draft recommendation document. Accept the final document.
FAA action phase	Take no action.

Task phase

In the task phase, interested individuals respond to the Federal Register notice announcing an ARAC task and the formation of a working group or to an FAA outreach effort.

Working group formation phase

During the working group formation phase, the FAA representative notifies individuals of their selection or nonselection as working group members.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 68 of 121

Work plan/concept paper phase

Briefing working group members at an initial working group meeting

At the initial meeting of the working group, working group members are briefed by the Office of Rulemaking on the ARAC process and the duties and responsibilities of each working group member.

Developing a work plan

A work plan—

Describes the method the working group is going to use to complete an assigned task.

Details what the working group has to do and how it is going to do it.

The work plan includes—

The task statement,

The issues to be resolved,

Individual task group assignments,

A schedule, and

Common ground rules by which the working group will function.

A working group may not modify a task statement. Only the FAA may make changes to a task statement. If the task is not clear, the working group addresses the assistant chair (or ARAC chair, as appropriate) for resolution of any questions about the task not answered by the working group chair, to the satisfaction of all members. The working group chair relays these questions to the assistant chair (or ARAC chair, as appropriate.) All working group members must have a thorough understanding of the task to proceed.

Note: If the FAA approves a task modification, the composition of the working group may have to change to include additional individuals with appropriate expertise for the new task. Also, the modification must be published in the Federal Register.

Beginning a Task

The working group—

Develops the work plan.

Breaks down its task into composite issues and identifies the request.

Addresses the individual issues separately.

Explores all options.

Identifies who will be affected by any recommendations.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 69 of 121

Addresses any concerns of the affected individuals.

Forming a task group

The working group may form task groups, which are subgroups within the working group, to solve individual issues.

The working group—

- Identifies task group assignments.
- Assigns individual tasks.
- Records assignments in the work plan.
- Reviews and accepts all completed assignments.

A task group—

- Provides a report to the working group.
- Disbands when all assignments are complete.

Gathering information to create the working group schedule

A working group schedule—

- Contains the working group's goals and milestones.
- Helps the working group assess its progress.
- Allows for completion of the task by the FAA-imposed deadline.

Note: The working group records the schedule and distributes it to each member of the working group for planning purposes.

When developing the schedule, the working group considers—

- The availability of its members;
- The frequency, duration, and location of meetings;
- The milestone due dates;
- The project flow, critical paths, and unavoidables; and
- A realistic time to accomplish assignments and milestones leading to task accomplishment.

Developing the concept paper

To develop a concept paper, the working group—

- Decides what the desired outcome is.
- Decides how to accomplish that outcome.
- Identifies the issues to be addressed in the recommendation document.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 70 of 121

Documents the reasons for all decisions.

Coordinates the concept paper with industry issue area members and internal team members.

Raises valid alternatives.

The working group should follow the steps listed below in developing its concept paper.

Step 1. Decide its desired outcome by—

Determining the best way to address the issues it has to resolve.

Taking into account that not all tasks require rulemaking action; some tasks may require developing an advisory circular, technical report, or training program. (See appendix D for further information on the types of recommendation documents.)

Considering all alternatives before deciding how to address the issues.

Step 2. Narrow the issues so it can be determined which issues—

May be disposed of outside the scope of its recommendation document.

Need to be addressed in its recommendation document.

Step 3. Document and explain the reasons for each of the group's decisions.

The working group must—

Document the logic behind a particular choice it made during its concept briefing.

Include in the justification discussion any objections to the approach taken.

Coordinating the concept paper

The working group coordinates its concept paper with the assistant chair (or the Executive Committee, as appropriate)—

Throughout the development of the concept paper,

During the working group's discussions, and

During development of the recommendation document.

The working group should provide the issue area members (or the Executive Committee, as appropriate) with reports on—

The decisions made and

Any objections raised.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 71 of 121

Preparing the concept briefing

After coordinating the concept paper, the working group prepares a concept briefing. A concept briefing—

Discusses the working group’s proposed ideas in detail.

Serves as the outline for the recommendation document when accepted by the issue area (or the Executive Committee, as appropriate).

Presenting the work plan and concept paper

After the working group develops a work plan and concept paper, the working group chair presents the work plan and concept paper to its issue area (or the Executive Committee, as appropriate) for acceptance at a public meeting.

Note: ARAC must accept a working group’s work plan and concept paper before the working group continues to work on the task.

If a work plan and/or concept paper is not accepted, the working group—

1. Reconvenes.
2. Addresses any objections.
3. Adjusts the work plan and/or concept paper for resubmission.
4. Presents the work plan and/or concept paper to the issue area (or the Executive Committee, as appropriate) within the established timeframe.

When an issue area (or the Executive Committee, as appropriate) accepts a work plan and concept paper, the working group is assured that—

ARAC understands the task.

The methodology planned is consistent with the desires of ARAC.

The work done will end in a recommendation to ARAC that addresses the assigned task.

After the issue area (or the Executive Committee, as appropriate) accepts the working group’s work plan and concept paper, the working group develops the actual recommendation document.

Recommendation development phase

Developing the recommendation document

The working group—

Identifies any discussions to include in the recommendation document.

Assembles documentation of its decisions.

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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 72 of 121

Reaches consensus and accepts the type of recommendation document.

Drafts any additional regulatory language, if applicable.

Drafts the appropriate recommendation document. (See appendix D.)

Reaches consensus on the draft recommendation document.

See chapter 8 for information on reaching consensus.

Obtaining working group consensus

Consensus—

Is agreement by all parties that a specific course of action is acceptable.

Requires debate and deliberation between divergent segments of the aviation industry, the public, and the Government.

Does not mean that majority rules. Consensus can be unanimous or near unanimous.

Note 1: It is important to reach consensus in every phase of the ARAC process because introduction of disagreement in later phases is counterproductive to ARAC’s objectives and extremely costly to the FAA rulemaking process.


See chapter 8 for more information on consensus.

Note 2: When there are participants at the meeting who do not have decisionmaking privileges, only working group members may participate in reaching consensus. The “observers” may offer positions differing from the working group’s general consensus. In that case, the working group should report consensus with a note describing the other views.

Each working group should establish a process by which it determines if the working group has reached consensus. Voting is discouraged, but polling may be used to determine the level of consensus.

Obtaining support services

The working group may get help from the FAA to develop the recommendation document. To do this, the working group chair contacts the assistant chair to request drafting support. The assistant chair contacts the Office of Rulemaking transportation industry analyst who may help the working group draft the recommendation document, or the Office of Rulemaking may assign a contractor to help the working group. An FAA attorney may be asked to review draft regulatory language to ensure the working group’s proposed action is legal.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 73 of 121

Drafting support helps the working group ensure its recommendation document—

- Is properly written.
- Is in the required format.
- Complies with FAA legal requirements.
- Is fully justified.

After ARAC approves the recommendation document and a pre-legal review is done, an economic evaluation and review are required. The assistant chair requests a rulemaking project record be submitted for an economist to complete the evaluation, and the following process occurs:


- Step 1.** The FAA representative ensures the working group receives a copy of the economic evaluation developed by the economist and any legal comments.
- Step 2.** If the working group has concerns or problems with the economic evaluation or the pre-legal review, the FAA representative invites the economist and attorney to the next meeting to resolve the issues.
- Step 3.** After the working group reviews the economic evaluation, a summary is inserted into the proposed rule preamble.

Presenting the recommendation document

After the working group reaches consensus on its recommendation document, the working group chair submits the recommendation document to the issue area (or the Executive Committee, as appropriate) at a public meeting for discussion and deliberation by the issue area (or Executive Committee, as appropriate).

WORKING GROUP CHAIR AND WORKING GROUP MEMBER COMMUNICATION PROTOCOL

Working group chair	
Person to Contact	How to Contact That Person
Issue area member	Contact each member directly, in consultation with the assistant chair. Note: Keep the assistant chair informed of working group progress and problems. At times, this means communicating beyond the status reports given at the issue area public meetings.
Executive Committee member	Contact the ARAC chair.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 74 of 121

Person to Contact	How to Contact That Person
The FAA	Contact any FAA employee directly, in consultation with the FAA representative. Contact the Office of Rulemaking transportation industry analyst or directorate technical writer/editor directly, as appropriate, to update information regarding meeting location and times or other relevant information.

Working group members

Person to Contact	How to Contact That Person
Issue area member	Contact the working group chair, who in turn will contact the assistant chair.
Executive Committee member	Contact the working group chair, who in turn will contact the assistant chair.
The FAA	Contact the FAA representative, in consultation with the working group chair.

RECORDKEEPING

Maintaining working group records

Each working group maintains records of working group meetings. The working group chair maintains—

- A list of meeting attendees,
- A chronology of all meetings,
- Deliberations on all decisions, and
- Working drafts of reports prepared by the working group.


Making records available

Working group products and/or recommendation documents are available to the public but are not made available for public inspection and copying until they are finalized and included for discussion on the agenda for an issue area public meeting (or Executive Committee meeting, as appropriate), unless the FAA determines the records are exempt under the Freedom of Information Act (FOIA).

Upon a request that reasonably describes the records, the FAA must make records available. These records are made available in accordance with published rules unless the records fall


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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 75 of 121

within one of the nine exemptions under FOIA. Any working group information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions, regardless of whether it has been passed onto ARAC. These records are made available on the ARAC Web site at <http://www.faa.gov/avr/arm/index.htm>.

Note: The working group must be aware of the type of information it gives the FAA representative. For example, if manufacturers share sensitive data with the working group members, the FAA representative may look at it and discuss the data during the meeting without the information being subject to a FOIA request. If the FAA representative takes possession of the information upon leaving the meeting and uses the information in performance of his or her duties, then the working group information is releasable under FOIA. If the FAA representative needs data to complete a working group assignment, the working group should make sure the data it gives to the FAA representative are in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA representative takes possession of the documents. (See FOIA, section 552 of Title 5 of the United States Code.)

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 76 of 121

CHAPTER 6—FEDERAL AVIATION ADMINISTRATION/JOINT AVIATION AUTHORITY HARMONIZATION

PURPOSE

This chapter provides working group members with specific information to enable them to participate in the Federal Aviation Administration (FAA)/Joint Aviation Authorities (JAA) harmonization process. This chapter supplements the information for working group members in chapter 5.

Note: Some of the functions of the JAA will be transferred to a new European Aviation Safety Agency in 2003.

GENERAL INFORMATION ABOUT HARMONIZATION AND THE JAA

Harmonization

The goal of harmonization is to ensure that, wherever possible, regulations affecting domestic and foreign parties do not require those parties to operate or manufacture to different standards for each country involved.

The FAA and JAA are harmonizing (where possible) the regulations and requirements and associated advisory material related to—

- Civil aircraft and related parts and products design and manufacture, operation, and maintenance;
- Aircraft and aircraft engine noise and emissions; and
- Flight crewmember licensing.

Harmonization is a joint rulemaking approach established between the FAA and the JAA to coordinate and develop regulations and associated advisory material mutually acceptable to the FAA and the JAA.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 77 of 121

Role of the JAA in Harmonization

The JAA is an associated body of the European Civil Aviation Conference representing the civil aviation regulatory authorities of a number of European countries. These countries have agreed to cooperate in developing and implementing common safety regulatory standards and procedures. This cooperation is intended to provide high and consistent standards of safety and a level playing field for competition in Europe.

The JAA also places emphasis on harmonizing the JAA requirements with those of the United States. Countries that have signed the “Arrangements Concerning the Development and the Acceptance of the Joint Airworthiness Requirements” and have full JAA membership are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Monaco, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

Role of ARAC in harmonization

The Aviation Rulemaking Advisory Committee (ARAC) is the mechanism used by the FAA and JAA to achieve harmonization during the June 1992 FAA/JAA Annual Meeting in Toronto, Canada. The FAA and the JAA subsequently developed the Harmonization Work Program.

ORGANIZATION OF A HARMONIZATION WORKING GROUP

A harmonization working group addresses harmonization tasks assigned to ARAC. A harmonization working group supports both ARAC and the JAA.

A harmonization working group consists of members from the FAA, the JAA, U.S. and European aviation industry organizations, and the public.

Two co-chairs (one from the United States and one from Europe) lead harmonization working group activities.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 78 of 121

RESPONSIBILITIES OF A HARMONIZATION WORKING GROUP Co-CHAIRS

The responsibilities of the harmonization working group co-chairs are the same responsibilities described in chapter 5 for the working group chair. The responsibilities of a harmonization working group member are the same responsibilities described in chapter 5 for a working group member.

FAA/JAA HARMONIZATION PROCESS—HARMONIZATION WORKING GROUP

Task phase

The task phase for a harmonization working group is different from that of other working groups. During the task phase, the FAA and the JAA must first decide whether the task to be established should be part of the Harmonization Work Program. To have any task included in the Harmonization Work Program, the FAA submits its suggested task, through appropriate channels, to the Harmonization Management Team for review. The task statement must be in the format prescribed for harmonized Terms of Reference and be suitable for publication in the Federal Register. The Harmonization Management Team coordinates the task and, if appropriate, includes the task in the Harmonization Work Program.

Work plan/concept paper phase

In the work plan/concept paper phase, the harmonization working group presents its work plan and concept paper to ARAC issue area and the relevant JAA study group for review.

ARAC must accept and the JAA must concur with the work plan and concept paper. If ARAC does not accept or the JAA study group does not concur with the work plan and/or concept paper—

The reasons for disapproval must be stated, and


The harmonization working group must reconvene, address the objections, and adjust the work plan and/or concept paper for resubmission to the ARAC issue area.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 79 of 121

Recommendation development phase

The harmonization working group must present its final recommendation document to ARAC and the JAA study group for acceptance. If ARAC does not accept the recommendation document, the document must be sent back to the harmonization working group for action.

For harmonization tasks there are simultaneous FAA/JAA reviews. The purpose of simultaneous reviews is to accept or reject the recommendation document based on the harmonization objectives stated in the harmonized Terms of Reference. The decision to accept the recommendation document is a joint FAA/JAA decision. If the reviews determine that the harmonization objectives have not been met, the FAA and the JAA send the recommendation document back to the harmonization working group.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 80 of 121	

CHAPTER 7—FEDERAL AVIATION ADMINISTRATION ROLE IN ARAC

PURPOSE

This chapter provides Federal Aviation Administration (FAA) employees who participate in the Aviation Rulemaking Advisory Committee (ARAC) process with specific information on the FAA's role in ARAC.

Stakeholder/Customer Feedback: When working with persons outside the Office of Rulemaking, in particular those persons outside of the FAA, ARM employees should be mindful of our requirement to document feedback that is offered to any ARM employee. An ARM employee who receives feedback from anyone associated with an advisory committee is required by the QMS manual to record that feedback on the ARM Stakeholder/Customer Feedback Form. This is especially important if feedback is directly solicited from advisory committee participants by an ARM employee.

FAA PERSONNEL PARTICIPATING IN ARAC

ARAC positions

FAA personnel hold the following positions in ARAC:

- Executive director (Executive Committee),
- Assistant executive director (issues area), and
- FAA representative (working group).

In addition, FAA personnel participate on the FAA internal team.

FAA representative

The FAA representative should be from the FAA office that requested the subject matter be addressed (the office of primary responsibility).

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 81 of 121	

An FAA representative must not—

Commit the FAA to a specific course of action. There is further management review of the recommendation document after it is submitted to the FAA.

Stop or veto a working group activity. The FAA representative does not have the authority to act on behalf of the FAA.

Internal team

An internal team is made up of FAA employees selected to support the FAA representative. An internal team is established for each working group.

An internal team includes—

An attorney,

An economist,

An Office of Rulemaking transportation industry analyst or a directorate technical writer/editor, and

Other subject matter experts.

RESPONSIBILITIES OF FAA PERSONNEL PARTICIPATING IN ARAC

Executive director

The executive director's responsibilities are as follows:

Serves as the focal point for all communications between the FAA and ARAC and its Executive Committee.


Supervises ARAC's affairs to ensure conformity with established procedures.

Acts as the designated Federal official required by section 10(e) of the Federal Advisory Committee Act (FACA).

Attends each full committee and Executive Committee meeting.

Approves each full committee and Executive Committee meeting agenda.

Adjourns each full committee and Executive Committee meeting when he or she deems it to be in the public interest.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 82 of 121	

Establishes FAA guidance and policies pertaining to ARAC, including membership and procedural guidelines.

Provides day-to-day oversight of ARAC activities.

Provides legal and economic support of an attorney and an economist, respectively, when requested by an assistant chair and/or assistant executive director.

Manages the ARAC finances in accordance with the approved Department of Transportation ceiling, which includes supervising the preparation of the annual budget and periodic reports of its affairs.

Determines the need to renew and prepares the ARAC charter.

Assistant executive director

The assistant executive director's responsibilities are as follows:

Serves as the FAA's spokesperson for all activity within his or her issue area.

Serves as the designated Federal official required by section 10(e) of FACA at meetings in his or her issue area and ensures all applicable FACA requirements are adhered to at all meetings.

Attends each issue area public meeting.

Approves each issue area public meeting agenda.

Adjourns each issue area public meeting when he or she deems it to be in the public interest.


Ensures each task is properly coordinated within the FAA before it is presented to the issue area.

Is the focal point for all communications between ARAC and the FAA when an issue in his or her particular area of expertise is addressed.

Works with the assistant chair to select working group chairs.

Works with the assistant chair and the working group chair to select working group members and to notify them of their status.


Appoints, in coordination with the office of primary responsibility, the FAA representative to each working group in his or her issue area.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 83 of 121	

FAA representative

The following table describes the FAA representative's responsibilities:

Responsibilities	
Administrative	Working Group Formation, Work Plan/Concept Paper, and Recommendation Development Phases
<p>Serves as the liaison between the working group and the FAA.</p> <p>Provides a copy of the working group meeting agenda to the FAA internal team members before the meeting.</p> <p>Prepares a trip or meeting report after each working group meeting and provides a copy of the report to—</p> <ul style="list-style-type: none"> • FAA internal team members; • The assistant executive director; and • FAA management, as appropriate. <p>Invites the assigned attorney and economist to ARAC meetings at which the working group briefs ARAC issue area on its work plan and concept paper.</p> <p>Ensures the FAA's technical-level interest/concerns and FAA positions are made known to the working group. This includes coordinating with FAA organizations when the working group is making its technical decisions to gain their input early in the development process.</p> <p>Serves as the leader of the internal team responsible for the task assigned to the working group.</p>	<p>Provides the working group with all relevant background material, including unresolved petitions for rulemaking, exemption, interpretations, etc.</p> <p>Participates as a full member of the working group on any issue for which consensus must be reached.</p> <p>Ensures that if the FAA representative holds a dissenting position, his or her position is accurately presented to ARAC through the assistant executive director.</p> <p>Meets with the assistant executive director before each working group meeting to discuss the purpose of the meeting and any concerns.</p> <p>Informs the assistant executive director if the working group chooses to ignore FAA suggestions concerning the format or content of the proposed recommendation document. Works out a resolution with the issue area assistant chair, in consultation with the assistant executive director.</p> <p>Verifies the accuracy of topics discussed at issue area public meetings with the assistant executive director and follows up on outstanding issues.</p> <p>Provides copies of all draft recommendation documents to the FAA internal team members when they become available.</p> <p>Relays concerns raised by the attorney or economist to the working group chair.</p> <p>Follows up with the assistant executive director on any concerns.</p> <ul style="list-style-type: none"> • If a harmonization task, coordinates closely with the Joint Aviation Authorities representative on harmonization tasks to ensure harmonization is achieved. • Provides the FAA position to the working group. • Coordinates with directorates and other FAA organizations to gain input early in the development stage.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 84 of 121


FAA internal team

The following table describes the FAA internal team's responsibilities:

Position	Responsibilities	
	To Working Group	To FAA Personnel
Attorney	<p>Attends working group meetings when requested by the FAA representative.</p> <p>Informs the working group, through the FAA representative, of any opinions, concerns, and objections he or she may have regarding the working group's activities.</p> <p>Reviews the working group's work plan and concept paper before submission to ARAC.</p> <p>Reviews the regulatory language for the changes being considered before submission to ARAC.</p> <p>Reviews draft rulemaking documents to determine—</p> <ul style="list-style-type: none"> The legal adequacy of potential FAA action, including the form and legality of the draft document. Whether there is adequate legal authority for the proposed action. Compliance with applicable laws, executive orders, and regulations. Whether the proposed requirements are consistent with other regulations and are enforceable. Whether the document is logically supported and states the justification for the proposal in sufficient detail to permit public comment and withstand judicial review for arbitrary and capricious items. <p>Works with the working group to achieve a resolution when invited to a working group meeting to explain any concerns, including legal issues (but do not give legal advice).</p>	<p>Provides counsel to the FAA representative on the legal pros and cons of options being considered by the working group.</p> <p>Consults with Office of the Chief Counsel management, as appropriate, to ensure a unified FAA legal position is presented.</p> <p>Meets with the FAA representative to identify legal concerns that should be addressed in the working group's recommendation document.</p> <p>Provides the Office of Rulemaking with a copy of all legal comments and concerns.</p> <p>If the working group cannot develop a recommendation document that resolves legal concerns, advises the FAA representative that the FAA may not be able to use the working group's recommendations.</p>

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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 85 of 121

FAA internal team (continued)

Position	Responsibilities
Economist	<p>Attends working group meetings when requested by the FAA representative.</p> <p>Keeps the FAA representative to the working group informed of any opinions, concerns, and objections he or she may have regarding the working group's activities.</p> <p>Meets with the FAA representative to identify economic concerns that should be addressed in the working group's recommendation document.</p> <p>Reviews the working group's concept paper before it is submitted to ARAC to ensure economic considerations are included.</p> <p>Provides advice on the economic consequences of alternative actions considered by the working group.</p> <p>Provides the Office of Rulemaking with a copy of all economic comments and concerns.</p> <p>Works with the FAA representative to ensure ARAC supports the working group activity before the FAA provides economic support.</p> <p>Prepares an economic evaluation, if necessary.</p>

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Check the Master List to Verify That This is the Correct Revision Before Use

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 86 of 121

FAA internal team (continued)

Position	Responsibilities
Office of Rulemaking transportation industry analyst	<p>Prepares all Federal Register announcements of issue area public meetings, assignment of new tasks, and the formation of new working groups.</p> <p>Attends working group meetings when requested by the FAA representative.</p> <p>Keeps the FAA representative to the working group informed of any opinions, concerns, and objections he or she may have regarding the working group's activities.</p> <p>Attends internal team meetings.</p> <p>Provides drafting assistance to the working group.</p> <p>Provides group facilitation services to the working group when requested by the working group chair.</p> <p>Provides information to maintain the ARAC Web site.</p> <p>Prepares and coordinates statements of work for contractor support, if required.</p> <p>Attends ARAC issue area public meetings, and prepares and provides for the ARAC Web site and official ARAC file minutes resulting from those meetings.</p> <p>Provides meeting logistics.</p> <p>Prepares letters acknowledging receipt of ARAC recommendation documents and stating the FAA's intended action on the recommendation document within 90 days of receipt.</p> <p>Makes arrangements for and coordinates drafting, legal, and economic support when requested by an assistant chair.</p> <p>Advises the assistant chair and the working group of delays or changes in the schedules for drafting, legal, or economic support.</p> <p>Advises the FAA representative of any problems or concerns with the content or format of proposed recommendation documents.</p> <p>Provides the FACA statement to the assistant executive director.</p>
Directorate technical writer/editor	<p>Attends working group meetings and ARAC meetings as requested.</p> <p>Attends internal team meetings.</p> <p>Keeps the FAA representative to the working group informed of any opinions, concerns, and objections he or she may have regarding the working group's activities and provides advice and recommendations to the FAA representative on document form and content.</p> <p>Provides technical writing or editing assistance to the working group in the preparation of its recommendation documents.</p> <p>Provides meeting logistics, as requested.</p>

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Check the Master List to Verify That This is the Correct Revision Before Use

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 87 of 121

FAA ROLE IN THE ARAC PROCESS

FAA Role in the ARAC Process

Overview

The FAA participates in the ARAC process as follows:

Phase	Action
Task phase	Determines a need for ARAC involvement (office of primary responsibility). Prepares the rulemaking project record (office of primary responsibility). Prepares and publishes the Federal Register notice announcing the task and seeking working group members (Office of Rulemaking).
Working group formation phase	Reviews the list of individuals interested in participating in a working group. Assists the assistant chair and working group chair (assistant executive director).
Work plan/concept paper phase	Briefs the working group on the ARAC process (Office of Rulemaking). Briefs the working group on the task and its responsibilities (FAA representative). Discusses working group issues with the internal team (FAA representative). Coordinates the work plan and concept paper with the internal team (FAA representative).
Recommendation development phase	Provides drafting support (Office of Rulemaking). Provides economic support (Office of Aviation Policy and Plans). Provides legal support (Office of the Chief Counsel).
FAA action phase	Acknowledges the recommendation document (Associate Administrator for Regulation and Certification). Processes the recommendation document within the FAA (Office of Rulemaking or office of primary responsibility).

Any FAA office with rulemaking responsibility may request that ARAC undertake a task if that office determines ARAC is the best forum to use. However, an office that does not have an issue area established in ARAC for its specific subject matter should request the creation of a new issue area or work within an established issue area if that issue area can accommodate the new task.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 88 of 121

Task phase

The FAA assigns a task to ARAC using the following steps:

- Step 1.** The FAA determines the need for ARAC’s assistance to solve a specific problem. The FAA office of primary responsibility then prepares a phase I rulemaking project record. The office of primary responsibility uses the rulemaking project record to specify the—
- Task (this should include a detailed description of the issue, background of the issue, outstanding enforcement actions, historical FAA policy, relevant petitions for exemption, and the product (i.e., advisory circular, technical report, etc., and interpretations)),
- Date ARAC must forward the recommendation document to the FAA,
- Urgency of the task, and
- Appropriate ARAC issue area and/or working group that should receive the task.
- Step 2.** The office of primary responsibility submits the completed rulemaking project record to the Rulemaking Management Council for review. The rulemaking project record template is available to FAA personnel electronically in CyberDOCS (No. 15876).
- Step 3.** The Rulemaking Management Council reviews the rulemaking project record and decides whether to assign the task to ARAC.
- Step 4.** If the Rulemaking Management Council agrees to task ARAC, the executive director sends the task electronically to the Executive Committee.
- Step 5.** If the Executive Committee accepts the task, the FAA publishes the task in the Federal Register.

Note: ARAC cannot modify the task without prior FAA approval. ARAC may recommend new tasks to the FAA; however, only tasks assigned or approved by the FAA and published in the Federal Register may be undertaken by ARAC.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 89 of 121

Working group formation phase

Announcing a Task

The FAA announces the formation of a working group after ARAC has accepted a new or expanded task. The FAA prepares a notice for the Federal Register to—

Performance Measure: The task document must meet the ARM requirements for contents.

Announce the task.

Announce the formation of a working group and/or seek interested individuals to participate in the working group.

Acknowledging receipt of responses to the notice

After the FAA receives responses to the public notice announcing the formation of a working group, the assistant executive director—

Sends copies of the responses to the notice to the assistant chair and the working group chair for their review and consideration.

Meets with the assistant chair and the working group chair to assist with the selection of the members of the working group. The assistant executive director has the meeting as soon as possible after expiration of the response deadline.

Responds in writing to all the letters received in response to the public notice, notifying the individuals that they have or have not been selected.

Forwards an official list of the names and addresses of all the working group members to the assistant chair, the working group chair, and the Office of Rulemaking.

Work plan/concept paper phase

Conducting the initial working group meeting

At the initial working group meeting, the Office of Rulemaking briefs the—

Working group chair on the duties, responsibilities, and requirements of his or her position and the working group.

Working group on ARAC procedures.

The FAA representative briefs the working group on the task assignment. This briefing must include the task assignment from the FAA's perspective and any additional background or information that would be helpful. The FAA representative must also provide the working group

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 90 of 121

with the regulatory history of the task and any related current FAA and/or JAA rulemaking activity.

Developing a work plan and concept paper

During the development of the work plan, the FAA representative ensures the working group has all relevant background material and coordinates the plan with the internal team members.

During the development of the concept paper, the FAA representative discusses the alternatives with the internal team members to make sure the alternatives are legally and economically sound.

Recommendation development phase

During the development of the recommendation document, the FAA representative coordinates the document with the internal team members. Any draft documents the FAA representative distributes for review must be marked “DRAFT WORKING MATERIAL—NOT FOR PUBLIC RELEASE.”

After the working group has developed a recommendation document in the form of a proposed rule and presented it to the issue area for approval at a public meeting, the issue area requests economic support. If necessary, the economist develops an economic evaluation (a full discussion of the cost/benefit analysis of a proposed rule).

When the economist prepares an economic evaluation, the FAA representative—

- Provides the working group with a copy of the economic evaluation.
- Takes any concerns or problems back to the economist.
- Resolves any issues.

Note: After the working group accepts the economic evaluation, a summary of the evaluation is inserted into the proposed rule preamble.

The attorney begins a legal review of the draft rulemaking when the working group reaches consensus on its recommendation document. This review takes place within the target time period for completion of the task and may vary in light of other ARAC and FAA rulemaking priorities. The FAA must perform a legal review before a rulemaking action can be considered a complete package.

Advisory circulars also require a legal review. The attorney conducts the legal review within the target time period for completion of the task.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 91 of 121

FAA action phase

After the FAA receives a recommendation document from ARAC, the FAA—

Prepares a letter acknowledging receipt of the recommendation document for signature by the Associate Administrator for Regulation and Certification. This letter also informs ARAC of the FAA's intended course of action on the recommendation document. The FAA prepares the letter within 90 days of receiving the recommendation document. This letter does not mean the FAA will process the recommendation document as submitted.

Posts the recommendation document to its Web site at

http://www.faa.gov/avr/arm/arac_index.htm within 2 weeks of receiving the document.

Processes the recommendation document within the FAA.

FAA PERSONNEL COMMUNICATION PROTOCOL

FAA management

Person to Contact	How to Contact That Person
ARAC member	Contact the assistant executive director.
FAA representative	Contact the FAA representative directly. The FAA representative is encouraged to solicit management concerns and opinions on particular subjects. The FAA representative may then advise ARAC using that information.

FAA representative

Person to Contact	How to Contact That Person
ARAC member	Contact working group members and share expertise when needed to enable the working group to achieve its task. Note: The FAA representative must not make blanket statements about what the FAA will or will not accept. An FAA representative's opinion must not be taken as FAA policy.
Working group chair	Contact the working group chair directly.
Working group co-chair (harmonization working groups)	Contact each working group co-chair directly.
Working group member	Contact a working group member directly.

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Check the Master List to Verify That This is the Correct Revision Before Use

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 92 of 121

FAA internal team member

Person to Contact	How to Contact That Person
ARAC member	Contact the FAA representative. The FAA representative will decide, with concurrence from the internal team member, whether to allow the internal team member to directly approach the ARAC member. Note: If the question is procedural, the ARAC member should contact the FAA representative or the designated Office of Rulemaking transportation industry analyst or directorate technical writer/editor.
Working group chair	Contact the FAA representative.


RECORDKEEPING

Maintaining ARAC full committee, executive committee, and issue area records

The following ARAC records must be kept—

- Establishing documents;
- Official correspondence relating to committee activities;
- Membership information;
- Agendas;
- Minutes of meetings;
- Invitations;
- Studies, analyses, and draft reports presented to the committee for discussion;
- Final reports submitted in response to the task statement; and
- Records of time served and claims for payment, as appropriate.

The executive director maintains the official records. The records are maintained electronically and in paper form. The FAA encourages assistant chairs to submit recommendation documents to the Office of Rulemaking in electronic form, whenever possible. The records are stored in the Office of Rulemaking and at the following Web site:
http://www.faa.gov/avr/arm/arac_index.htm.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 93 of 121

Making records available

Under the Freedom of Information Act (FOIA), the FAA must make available records upon a request that reasonably describes the records and is made in accordance with published rules, unless the records fall within one of the nine FOIA exemptions. Therefore, any working group information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions, regardless of whether it has been passed on to ARAC.

Note: FAA representatives must be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the working group members, the FAA representative may look at and discuss the data during the meeting without the information being subject to a FOIA request. If the FAA representative takes possession of the information upon leaving the meeting and uses the information in performance of his or her duties, then the working group information is releasable under FOIA. If the FAA representative needs data to complete a working group assignment, he or she should make sure the data are in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA representative takes possession of the documents. (See FOIA, section 552 of Title 5 of the United States Code.)

REPORTING ARAC ADMINISTRATIVE ACTIVITIES

Annual Committee Report

The FAA Office of the Administrator is required by the Department of Transportation to submit an Annual Committee Report. The Office of Rulemaking submits this report.


Performance Measure: *The Annual report—as required by FACA is completed by requested date to the Department of Transportation (DOT), and data is incorporated into the DOT database when requested.*

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 94 of 121

Monthly Expenditure Reports

The executive director prepares monthly reports of ARAC expenditures under the FAA ceiling and submits them to the FAA Office of Financial Services.

Note: *At the end of each Month, the expenditures for the Advisory Committee are calculated and reported to the FAA's Budget Office.*

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 95 of 121

CHAPTER 8—CONSENSUS

PURPOSE

This chapter provides Aviation Rulemaking Advisory Committee (ARAC) participants with specific information on consensus and how participants apply the concept of consensus to ARAC meetings, including meetings associated with harmonization working groups.

DEFINITIONS RELATED TO CONSENSUS

Consensus—

Is agreement by all parties that a specific course of action is acceptable.

Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.

Does not mean that majority rules. Consensus can be unanimous or near unanimous.

Note: It is important to reach consensus in every phase of the ARAC process because introduction of disagreement in later phases is counterproductive to ARAC's objectives and extremely costly to the FAA rulemaking process.

There are different levels of consensus. The levels of consensus are—

Full consensus,

General consensus, and

No consensus.

Full consensus means all members agree fully in context and principle and fully support the specific course of action.

General consensus means that, although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group.

Note: Although not every member fully agrees in context and principle, all members support the overall position of the group and agree not to object to the proposed recommendation document.

No consensus means that the disagreement among the group members cannot be reconciled to the general acceptance of the group. The group cannot reach a position that all members will support.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 96 of 121

CONSENSUS PROCESS

When consensus cannot be reached

Because each member has the right and responsibility to have his or her objections considered, when consensus cannot be reached, dissenting members present written objections to the group in a format that can be understood clearly by all members.


In addition, there may be additional participants at the meeting who do not have decisionmaking privileges as official working group members. These “observers” may offer positions differing from the working group’s general consensus. In that case, the working group should report consensus with a note describing the other views.

Request for a facilitator

It may be advantageous to bring in a group facilitator to ensure all avenues of the problem have been explored and investigated. If the group wishes to use a facilitator to help reach consensus, the working group chair requests a facilitator from the Office of Rulemaking.

Objections

If a dissenting member presents a written objection, the group documents its position relative to the objection with the reason why the group chose and retains its position. This documentation of objections and positions offers additional opportunity for meaningful communication among all group members in the hopes of attaining consensus. With this exercise, disagreements can be resolved through compromise. If consensus still cannot be reached, the group has the documentation required to take the disagreement to ARAC for resolution. Upon ARAC’s resolution, the group can proceed with the task because all members’ concerns have been addressed. ARAC’s decision automatically provides consensus to the working group.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 97 of 121

If major opposition to the group's position still exists...	
The person opposing—	The working group—
Documents his or her position. Summarizes his or her understanding of the group's position. States why he or she believes the opposing position better addresses the issue.	Documents its position. Summarizes its understanding of the opposition's position. States why the group believes its position better addresses the issue and why the opposing position should not be accepted. Submits the documentation to ARAC as part of the working group's recommendation document. Includes the minority positions in any subsequent preamble to a draft recommended proposed rule with the reasons they were not adopted in the rule. (This is only for a recommendation document that is in the form of a proposed rule.)

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 98 of 121

APPENDIX A—MEETING ADMINISTRATION, FEDERAL ADVISORY COMMITTEE ACT

GENERAL INFORMATION ON ARAC MEETING ADMINISTRATION

The Federal Advisory Committee Act (FACA) requires that, when conducting Aviation Rulemaking Advisory Committee (ARAC) meetings, the Federal Aviation Administration (FAA) and/or ARAC must—

Performance Measure: The Federal Register announcement must meet the FACA 15-day publication requirement and all FACA requirements for public meetings.

Prepare a notice of meeting for publication in the Federal Register.

Keep detailed meeting minutes.

Make documents available to the public at a single location for copying and inspection.

Certify the accuracy of meeting minutes.

NOTICES RELATED TO MEETING ADMINISTRATION

Federal Advisory Committee Act

FACA requires timely notice of each full committee, Executive Committee, and issue area meeting, open or closed, to be published in the Federal Register.


Performance Measure: The Federal Register announcement must meet the FACA 15- day publication requirement

This notice describes who is permitted to attend and ensures all interested persons are notified of the meeting. (See section 10(a)(2) of FACA.)

Under FACA, the Federal Register notice of an ARAC meeting must include—

The name of the advisory committee;

The time, date, place, and purpose of the meeting;

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 99 of 121

A summary of the agenda;

A sentence stating that any member of the public may submit written comments concerning ARAC's affairs;

A statement regarding whether the public may speak at the meeting in accordance with guidelines developed by the FAA or ARAC;

The name, address, and telephone number of the FAA official to whom the public may address any inquiries; and

A reasonable deadline for written comments from the public to allow time to copy and mail them to the ARAC members before the meeting.

General Services Administration

The General Services Administration defines "timely notice" as at least 15 calendar days before the meeting. Less than 15 days' notice may be given in exceptional circumstances provided the reasons for doing so are included in the meeting notice published in the Federal Register. The shortened notice period is used only in emergency situations. An administrative oversight cannot be used as a reason for not meeting the 15-day public notice period. (See section 101–6.1015 of Title 41, Code of Federal Regulations.)

FAA policy

The FAA requires the following be included in the Federal Register notice of an ARAC meeting in addition to the FACA notice requirements.

The Federal Register notice should also include—

Building security requirements, if any;

A statement regarding the availability of sign language, oral interpretation, and assisting listening devices; and

A statement announcing that meeting space is limited and seating is on a first-come, first-served basis.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 100 of 121

MEETING MINUTES

Contents of minutes

FACA requires detailed minutes to be kept for ARAC full committee, Executive Committee, and issue area meetings.

The working group should keep minutes, but this is not required by FACA. Minutes should contain an accurate description of each matter discussed and the resolution, if any, made by the group. The minutes will be used to review past deliberations on an issue if it resurfaces. (See section 10(c) of FACA.)

The following must be included in ARAC full committee, Executive Committee, and issue area meeting minutes.

FACA Requirements	FAA Policy
	The time, date, and place of meeting.
A record of the persons present.	A list of ARAC members, staff, and FAA employees who attended, as well as any members of the public. The number of members of the public present.
A complete and accurate description of matters discussed and conclusions reached.	A complete and accurate description of each matter discussed and conclusions and resolutions, if any, made by ARAC.
Copies of all reports received or approved by ARAC.	Copies of each report or other document received, approved, or accepted by ARAC.

Persons responsible

The following individuals are responsible for the accuracy and certification of the ARAC full committee, Executive Committee, and issue area meeting minutes.

Type of Meeting	Individual Responsible for Accuracy of Minutes	Individual Responsible for Certification of Minutes
Full committee	Chair	Chair
Executive Committee	Chair	Chair
Issue area	Assistant executive director	Assistant chair

ARAC full committee, Executive Committee, and issue area meeting minutes are approved by the responsible individual within 30 days of the meeting and are certified by the responsible individual within 90 days of the meeting.

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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 101 of 121

Availability of minutes

Copies of the ARAC full committee, Executive Committee, and issue area meeting minutes are available to all ARAC members and the public on the FAA Web site at <http://www.faa.gov/avr/arm/index.htm> after the minutes are approved and certified by the responsible individual.

AVAILABILITY OF RECORDS

All official ARAC full committee, Executive Committee, and issue area meeting records are available for public inspection in the Office of Rulemaking during business hours, Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding Federal holidays. (See section 10(b) of FACA.) In addition, most information on ARAC activities may be found on the FAA Web site at <http://www.faa.gov/avr/arm/index.htm>.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 102 of 121

APPENDIX B—AVIATION RULEMAKING ADVISORY COMMITTEE MEETINGS

FULL COMMITTEE, EXECUTIVE COMMITTEE, AND ISSUE AREA MEETINGS

Location

Each Aviation Rulemaking Advisory Committee (ARAC) meeting, except for working group meetings, must be held in a Federal facility in Washington, DC, unless the executive director or assistant executive director obtains a waiver. In choosing a location, the executive director or assistant executive director must take into consideration how many people attended similar meetings in the past and the resources and facilities available to the FAA.

Meetings held outside Washington, DC

If the executive director or assistant executive director wishes to hold a meeting outside Washington, DC, he or she must—

- Obtain a waiver from the Department of Transportation.

- Try to hold the meeting in a Federal facility that is easy to get to and accessible to the public.

- If the meeting cannot be held in a Federal facility outside Washington, DC, it should be held in a neutral location and facility that is easy to get to and accessible to the public.

To obtain a waiver to hold a meeting outside Washington, DC, the executive director or assistant executive director—

- Completes and e-mails or faxes the Advisory Committee Meeting Location Waiver form to the Director of the Office of Rulemaking 60 days before the proposed meeting date.

- Receives approval of the request from the Director of the Office of Rulemaking and the Department of Transportation committee management officer. The Director of the Office of Rulemaking generally responds within 14 days of receipt of the form. (See appendix F for the Advisory Committee Meeting Location Waiver form.)

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 103 of 121

Change of meeting location or date of meeting

If a meeting location or a meeting date needs to be changed, the change should be coordinated with the appropriate ARAC members at least 30 days before the meeting.

Note: Two ARAC issue area meetings cannot be held simultaneously.

Meeting frequency

Type of Meeting	Frequency per year
Full committee	As needed
Executive Committee	Four times
Issue area	Four times

Scheduling ARAC meetings

Type of Meeting	Scheduled By	Scheduler's Duties
Full committee	Executive director	Choose a meeting location.
Executive Committee		Develop and approve the agenda.
Issue area	Assistant executive director in consultation with the assistant chair.	Ensure announcement of the meeting is published in the Federal Register.

Notice of meetings

Announcements of ARAC meetings must be published in the Federal Register. The general public can visit the Federal Register Web site at <http://www.access.gpo.gov/nara/cfr/index.html>.

Under FACA, the Federal Register notice of an ARAC meeting must include—

The name of the advisory committee;

The time, date, place, and purpose of the meeting;


A summary of the agenda;

A sentence stating that any member of the public may submit written comments concerning ARAC's affairs;

A statement regarding whether the public may speak at the meeting in accordance with guidelines developed by the FAA or ARAC;

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	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 104 of 121

The name, address, and telephone number of the FAA official to whom the public may address any inquiries; and

A reasonable deadline for written comments from the public to allow time to copy and mail them to the ARAC members before the meeting.

The Office of Rulemaking prepares the Federal Register notice of an ARAC meeting, which must be published in the Federal Register at least 15 calendar days before the proposed date of the meeting. The General Services Administration defines “timely notice” as at least 15 calendar days before the meeting. Less than 15 days’ notice may be given in exceptional circumstances provided the reasons for doing so are included in the meeting notice published in the Federal Register. The shortened notice period is used only in emergency situations. An administrative oversight cannot be used as a reason for not meeting the 15-day public notice period. (See section 101–6.1015 of Title 41, Code of Federal Regulations.)


Also, the general public may visit the FAA Web site at <http://www.faa.gov/avr/arm/index.htm> for a list of ARAC meetings.

Public participation

ARAC full committee, Executive Committee, and issue area meetings are open to the public. (See the next section, Working Group Meetings.) These meetings give the public an opportunity to provide input on ARAC recommendation documents before ARAC submits the documents to the Federal Aviation Administration (FAA).

A portion of an ARAC meeting may be set aside for public participation to the extent that the meeting time and agenda permit. The Federal Register notice announcing the meeting provides the public with specific information on addressing ARAC. The public is welcome to present or send written material to ARAC at any time.

The public may address ARAC with the permission of the officiating chair provided the chair has advance notice concerning the scope and duration of the intended presentation. The officiating chair may entertain public comment if, in his or her judgment, doing so would not disrupt the orderly progress of the meeting and would not be unfair to any other person.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 105 of 121

Closed meetings

The FAA may close an ARAC meeting or a portion of an ARAC meeting only for reasons such as when information to be discussed—

Is classified or best kept secret in the interests of national defense or foreign policy.

Discloses trade secrets and commercial or financial information obtained from a person that are privileged and confidential.

Section 552b, paragraph (c) of Title 5 of the United States Code on Open Meetings contains a more detailed list of when a Government agency may close a meeting. (See also section 10(d) of the Federal Advisory Committee Act (FACA).)

Meeting briefing

Each ARAC issue area meeting must include a briefing on FACA requirements. The executive director or the assistant executive director, as appropriate, must include this briefing in his or her opening remarks. The briefing does not need to be identified as an agenda item.

Meeting agenda

The meeting agenda should include—

A review of ARAC activities and

Any item that needs to be discussed or approved at the meeting.

WORKING GROUP MEETINGS

Attendance

Only working group members may attend working group meetings. Working group meetings are not open to the public. The working group chair may approve attendance by others at the working group meetings. The working group chair has the right to ask any uninvited persons to leave the meeting. In addition, even though the working group works for ARAC, to preserve the autonomy of the working group, ARAC members may not arbitrarily attend working group meetings.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 106 of 121

Location

Working group meetings may be held in any reasonable and accessible location.

Harmonization working group meetings are held alternately in the United States and Europe. Harmonization working group meetings that require attendance by the attorney or economist should be held in the United States because of budgetary constraints. However, the office of primary responsibility may pay the transportation expenses for the attorney and/or economist to attend meetings outside the United States if the office chooses to do so.

Meeting frequency

Working group meetings should be held as often as necessary to enable the working group to complete its task.

Scheduling

The working group chair, in consultation with the FAA representative, schedules the working group meetings by—

- Choosing a meeting location.

- Developing an agenda.

- Informing the issue area assistant chair and assistant executive director of upcoming working group meetings.

- Notifying each working group member of the meeting, including sending an agenda.

- Informing the Office of Rulemaking transportation industry analyst of the meeting. The Office of Rulemaking transportation industry analyst will forward the information for the FAA Web site update.


Meeting guidelines

The working group—

- Does not need a quorum to hold a meeting.

- Should meet if the attendees have the necessary expertise to carry out the task.

The working group chair and the FAA representative should be present.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 107 of 121

Change of meeting date

Working groups are encouraged to develop a meeting schedule 1 year in advance for the following calendar year. However, if a scheduled meeting needs to be changed, the working group chair should be contacted immediately to assess whether appropriate working group representation will be able to attend. A new meeting date should be coordinated with all group members.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 108 of 121

APPENDIX C—TELECONFERENCE MEETINGS

Notice of teleconference

Teleconferencing may be used for all Aviation Rulemaking Advisory Committee (ARAC) meetings, including working group meetings.

The FAA must publish a notice announcing the ARAC meeting in the Federal Register 15 days before the meeting. The information for a teleconference is included in the notice used to announce the ARAC meeting. The notice contains information on who the public must contact to arrange teleconference capability.

Note: The Office of Rulemaking prepares the notice for publication in the Federal Register.

Arrangements


A teleconference is arranged as follows:

Type of meeting	Responsible individual or organization
ARAC full committee, Executive Committee, or issue area	Office of Rulemaking
Working group	Working group chair

Special arrangements for a teleconference need to be made when an ARAC meeting is held outside the Washington, DC, area. If an ARAC full committee, Executive Committee, or issue area meeting is held outside the Washington, DC, area, the Office of Rulemaking will reserve a conference room in the Federal Aviation Administration (FAA) headquarters building to provide teleconference services for participants in the Washington, DC, area.

The executive director or assistant executive director, as appropriate, who requires the meeting be held outside the Washington, DC, area completes the Advisory Committee Meeting Location Waiver form (see appendix F), including the section on teleconferencing services, 60 days before the date of the meeting.

Note: The Office of Rulemaking responds to the requestor 14 days after receiving the form.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 109 of 121

Teleconference participation

Persons are allowed to participate by telephone on a first-come, first-served basis. Working group members who wish to participate in a working group meeting by telephone should contact the working group chair.

Each speaker—

Should announce when he or she is connecting and disconnecting from the teleconference.


Must identify himself or herself before speaking.

Meeting materials

Participants obtain meeting materials by contacting the person listed in the Federal Register notice under FOR FURTHER INFORMATION CONTACT. For working group meetings, the working group chair may send meeting materials such as agendas or handouts to participants before and, if necessary, after the teleconference.

Telephone call charges

No one may be reimbursed for telephone call charges when participating in a teleconference. Callers from outside the Washington, DC, metropolitan area are responsible for paying long distance telephone charges.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 110 of 121

APPENDIX D—AVIATION RULEMAKING ADVISORY COMMITTEE RECOMMENDATIONS

GENERAL


Aviation Rulemaking Advisory Committee (ARAC) recommendation documents may be in the form of—

- A proposed rule,
- An advisory circular,
- A technical report (see appendix G, ARAC Working Group Report),
- A technical standard order,
- A disposition of comments,
- A training program, or
- A “no action” recommendation to the Federal Aviation Administration (FAA).

PROPOSED RULE

Submission standards

The ARAC should submit rulemaking recommendation documents to the FAA in packages that conform to the drafting requirements of the Document Drafting Handbook of the Office of the Federal Register (available online at <http://www.nara.gov/fedreg>). The Document Drafting Handbook also includes a section on making regulations readable according to the President’s Memorandum of June 1, 1998, Plain Language in Government Writing. Rulemaking documents must be drafted in plain English to help the public find requirements quickly and understand them easily.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 111 of 121

Preamble

ARAC is responsible for preparing the portion of the preamble that provides justification for the proposed rule and the proposed rule (amendment) language.

ARAC must include the following elements in the preamble (which is the foreword or introduction to the proposed rule):


Preamble Element	Description
Summary	Briefly states in simple language— <ul style="list-style-type: none"> What action is being taken, Why the action is necessary, and The intended effect of the action. Must not contain specific details such as legal citations and exceptions and qualifications to the proposed rule.
Supplementary information	Includes— <ul style="list-style-type: none"> Background information that includes, as applicable, pertinent history, National Transportation Safety Board recommendations, reference material, and related activities such as FAA and industry studies; and A discussion of the proposed rule, including alternatives considered and minority positions. Is presented in language that is easily understood by the intended audience.
General discussion of the proposal	Includes— <ul style="list-style-type: none"> A complete discussion of each issue, The conclusion or decision reached, and The reasons for the conclusion or decision. Clearly indicates how the revision or new provision addresses specific issues. Complicated or lengthy proposed revisions or additions must be introduced by a general discussion followed by a section-by-section analysis.

Note: If an economic evaluation is required, a summary of the evaluation is inserted into the preamble of the proposed rule.

Proposed rule

The proposed rule (amendment) must include—

- Words of issuance,
- Authority citations, and
- The proposed rule language.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 112 of 121

ADVISORY CIRCULAR

An advisory circular—

Contains official FAA explanatory and guidance material.

Is informational.

Must not contain regulatory language.

Must not be used to add, revise, or delete a regulation.

Provides an acceptable means of compliance with Title 14, Code of Federal Regulations.


Must be consistent with the FAA's regulations and other documents, including FAA orders and FAA directives.

ARAC should submit advisory circular recommendations to the FAA in a package that conforms to the drafting requirements of FAA Order 1320.46C, Advisory Circular System. The package also must include a complete justification for the advisory circular. The advisory circular also must have had appropriate legal review.

If ARAC decides an advisory circular should accompany a recommended proposed rule, then the advisory circular package, complete with justification and legal review, must be forwarded at the same time the proposed rule package is forwarded as a recommendation document.

OTHER RECOMMENDATIONS

For technical reports recommending rulemaking action, ARAC should submit recommendations to the FAA using the ARAC Working Group Report in appendix G. For technical standard orders, dispositions of comments, training programs, and "no action" recommendations, ARAC may submit the recommendations to the FAA using any format that it deems appropriate. The package also should include a complete justification, including any cost and benefit information, if appropriate.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 113 of 121

APPENDIX E— COST AND BENEFIT INFORMATION REQUESTED FROM HARMONIZATION WORKING GROUPS

To expedite the cost/benefit analyses of Federal Aviation Administration (FAA) and Joint Aviation Authorities (JAA) proposed harmonization rules, the FAA asks that the responsible Aviation Rulemaking Advisory Committee (ARAC) working groups provide additional supporting documentation. This is done for harmonization working group technical reports. As described below, most of the harmonization rules can be analyzed in one of the following three cases.

Case I: Harmonization rules where the Federal Aviation Regulations is amended to incorporate the “more stringent” corresponding Joint Aviation Requirements provisions.

Every rule of this type should result in no cost or cost savings. Accordingly, extensive cost/benefit analysis is not necessary. Often a few sentences will suffice, but the explanation should respond to the following points:

What is the current Federal Aviation Regulations standard?

What is the current Joint Aviation Requirements standard?

What is the proposed harmonization standard?

Clearly state that cost will be reduced or maintained. In support of this statement, explain why the costs will be reduced or maintained. If, for instance, a manufacturer is currently satisfying two different certification requirements with separate testing, then a single certification requirement eliminates the tests required for the “less stringent” standard. To strengthen the explanation, supporting data or cost estimates should be included if available. This discussion can be short, but it must be clear, reasonable, and consistent with other statements made in the report.

Briefly discuss the ARAC view on how the proposed harmonized standard would impact safety, compared to current industry practice. If ARAC believes the existing level of safety would be maintained, state that. If ARAC believes that the existing level of safety would be enhanced, describe why in a few short sentences. Include any readily available specific evidence, analyses, or estimates that support ARAC’s views.

Close this discussion with a statement that ARAC recommends the FAA proceed with this rulemaking.

Case II: Harmonization rules where the proposed new requirement incorporates parts of both the Federal Aviation Regulations/Joint Aviation Requirements or a standard somewhere in between the existing rules and would result in reduced or maintained costs.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual	Date: 01/26/05	Page 114 of 121	

Because the proposed rule incorporates parts of the Federal Aviation Regulations and Joint Aviation Requirements, or new procedures/standards, the expected change in cost requires more detail than in Case I. The explanation should respond to the following points.

What is the current Federal Aviation Regulations standard?

What is the current Joint Aviation Requirements standard?

What is the proposed harmonization standard?

Although costs will be reduced or at least maintained for this case (if costs increase, then it is a Case 3 rule), a different look at cost is required than for Case 1 rules. For Case 2, the rule incorporates parts of both the Federal Aviation Regulations and Joint Aviation Requirements, or requires a new standard “somewhere in between” the two existing rules. A discussion is required giving the reasons why costs are maintained, even though a standard different from the existing Federal Aviation Regulations and Joint Aviation Requirements is being adopted. Simply stating that costs are reduced because only one standard needs to be met instead of two is not sufficient. A rationale must be presented as to why the new procedures/standards are less costly than adherence to one or both of the current standards. Examples of such rationale might be use of lower tolerance, less expensive materials, or less redundancy. The discussion can be short, but it needs to be clear, reasonable, and consistent with the other statements made in the report. To strengthen this explanation, supporting data of cost estimates on both current and new standards should be included if available.

Briefly discuss the ARAC view on how the proposed harmonized standard would impact safety, compared to current industry practice. If ARAC believes the existing level of safety would be maintained, state that. If ARAC believes the existing level of safety would be enhanced, describe why in a few short sentences. Include any readily available specific evidence, analyses, or estimates that support ARAC’s views.

Close this discussion with a statement that ARAC recommends the FAA proceed with this rulemaking.

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 115 of 121

Case III: Harmonization rules where new regulatory requirements are being adopted that are different from either existing Federal Aviation Regulations or Joint Aviation Requirements standards and compliance costs have not been determined, but may be higher than current compliance costs. The Office of Aviation Policy and Plans will quantify the cost and benefit analyses for these rules. ARAC is asked to provide the Office of Aviation Policy and Plans the information below to expedite the analysis.

What is the current Federal Aviation Regulations standard?


What is the current Joint Aviation Requirements standard?

What is the proposed harmonization standard?

The Office of Aviation Policy and Plans' estimate of costs will rely heavily on information provided by ARAC. Accordingly, ARAC is requested to include in the working group report any useful data or estimates of compliance costs (for instance, testing, flight hours, and equipment) that will assist in estimating overall costs. Providing full and accurate information will save later correspondence for both the working group and the Office of Aviation Policy and Plans.

Briefly discuss the ARAC view on how the proposed harmonized standard would impact safety, compared to current industry practice. If ARAC believes the existing level of safety would be enhanced, describe the reasons why in a few short sentences. Include whatever specific evidence, analyses, or estimates that support ARAC's views.

Close this discussion with a statement that ARAC recommends the FAA proceed with this rulemaking.

	FAA Office of Rulemaking Quality Management System	QPM #	Revision
		ARM-001-015	1
Title: Committee Manual		Date: 01/26/05	Page 116 of 121

APPENDIX F—ADVISORY COMMITTEE MEETING LOCATION WAIVER FORM

Please e-mail or fax the following information 60 days before the proposed meeting date. The Office of Rulemaking will respond within 14 days after receipt. For an electronic copy of this form, use CyberDOCS No. 13249

GENERAL INFORMATION:

- Title of Committee _____
- Date(s) of meeting __ / __ / ____ - __ / __ / ____.

MEETING LOCATION

- Proposed non-federal facility _____
(Use N/A if not applicable.)

- Have you attempted to reserve other GSA facilities? Yes ☐ No ☐
(If yes, please discuss the availability of the GSA facilities. If no, please explain why GSA facilities were not considered.)

Proposed location (outside Washington, DC) _____
(Use N/A if not applicable.)

(Please explain why the meeting must be held outside Washington, DC; i.e., majority of members reside in area, limited travel resources/financial burden, etc.)

TELECONFERENCING SERVICES

(If the meeting is being held outside the Washington, DC, area, you must reserve a conference room in the Federal Aviation Administration headquarters building. Teleconferencing cannot exceed 3 hours. For non-headquarters employees, ARM-20 will provide assistance with a securing room and teleconferencing services.)

Will you need teleconferencing services? Yes ☐ No ☐
(If yes, please provide the following information.)


Conference Number _____
Name and Telephone Number of Contact Person _____
Date(s) of Service __ / __ / ____ - __ / __ / ____
Start Time __: __ End Time __: __

Executive Director's or Assistant Executive Director's Signature _____ Date _____

DISPOSITION OF REQUEST

Director, Office of Rulemaking, ARM-1 _____ Date _____
Comments: _____
Approved ☐ Disapproved ☐

Committee Management Officer, S-10 _____ Date _____
Comments: _____
Approved ☐ Disapproved ☐

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 117 of 121

APPENDIX G—ARAC WORKING GROUP REPORT

The working group should document its decisions and discuss areas of disagreement, including any options, using this report. The report is expected to —

Provide information necessary to develop individual rulemaking project records for the Federal Aviation Administration (FAA) rulemaking team's use.

Serve as the basis for developing the subsequent proposed rule.


AVIATION RULEMAKING ADVISORY COMMITTEE WORKING GROUP REPORT

1a. What is the underlying safety issue addressed by 14 CFR? *[Explain the underlying safety rationale for the requirement. Why does the requirement exist?]*

1b. What is the underlying safety issue addressed by the JAR? *[Explain the underlying safety rationale for the requirement. Why does the requirement exist?]*

2a. What are the current 14 CFR standards? *[Insert the 14 CFR regulatory text.]*


2b. What are the current JAR standards, if applicable? *[Insert the 14 CFR and JAR regulatory text.]*

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 118 of 121

AVIATION RULEMAKING ADVISORY COMMITTEE WORKING GROUP REPORT (CONTINUED)	
3. What are the differences between standards and what do these differences result in? <i>[Explain the differences between the 14 CFR standards and the JAR standards, and what these differences result in relative to (as applicable) design features/capability, safety margins, cost, and stringency.]</i>	
4. What, if any, are the differences in the means of compliance? <i>[Provide a brief explanation of any differences in the compliance criteria or methodology, including any differences in either criteria, methodology, or application that result in a difference in stringency between the 14 CFR standards and the JAR standards.]</i>	
5. What is the proposed action? <i>[Explain what action is being proposed (not the regulatory text, but the underlying rationale) and why that direction was chosen]. For harmonization tasks, is the proposed action to harmonize one of the two standards, mix two standards, propose a new standard, or take some other action?]</i>	
6a. What should the standard be? <i>[Insert the proposed text of the standard here.]</i>	
6b. What should the harmonized standard be, if applicable? <i>[Insert the proposed text of the harmonized standard here.]</i>	

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 119 of 121

AVIATION RULEMAKING ADVISORY COMMITTEE WORKING GROUP REPORT (CONTINUED)			
7. How does this proposed standard address the underlying safety issue identified in question No. 1? <i>[Explain how the proposed standard ensures the underlying safety issue is addressed.]</i>			
8. Relative to current 14 CFR standards, how does the proposed standard affect the level of safety? <i>(Circle one.) [Explain how each element of the proposed change to the standard affects the level of safety relative to the current 14 CFR. It is possible that some portions of the proposal may reduce the level of safety even though the proposal as a whole may increase the level of safety?]</i>	increase	decrease	maintain
9. Relative to current industry practice, how does the proposed standard affect the level of safety? <i>(Circle one.) [Because industry practice may be different than what is required by 14 CFR (for example, general industry practice may be more restrictive), explain how each element of the proposed change to the standard affects the level of safety relative to current industry practice. Explain whether current industry practice is in compliance with the proposed standard.]</i>	increase	decrease	maintain
10. What other options have been considered? <i>[Explain what other options were considered and why they were not selected (for example, cost/benefit, unacceptable decrease in the level of safety, and lack of consensus).]</i>			

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 120 of 121

AVIATION RULEMAKING ADVISORY COMMITTEE WORKING GROUP REPORT (CONTINUED)			
11. Who would be affected by the proposed change? <i>[Identify the parties that would be significantly affected by the rule change, such as airplane manufacturers and airplane operators.]</i>			
12a. To ensure harmonization, what current advisory material (for example, advisory circular joint, advisory material joint, advisory circular, policy letters) needs to be included in the preamble or in the rule language? <i>[Does the existing advisory material include substantive requirements that should be contained in the regulation? This may occur because the regulation itself is vague, or if the advisory material is interpreted as providing the only acceptable means of compliance.]</i>			
12b. Is current FAA advisory material (for example, advisory circular, policy letters) adequate? <i>(Circle one.)</i>			<div style="display: flex; justify-content: space-around;"> Yes No </div>
12c. If not, what advisory material should be adopted? <i>[Indicate whether the existing material should be revised or new material provided. Also, either insert the text of the proposed advisory material here, or summarize the information it will contain and indicate what form it will be in (for example, advisory circular, policy, or order).]</i>			
13. How does the proposed standard affect the current ICAO standard? <i>[Indicate whether the proposed standard complies with or does not comply with the applicable ICAO standards, if any.]</i>			

	FAA Office of Rulemaking Quality Management System	QPM # ARM-001-015	Revision 1
Title: Committee Manual		Date: 01/26/05	Page 121 of 121

AVIATION RULEMAKING ADVISORY COMMITTEE WORKING GROUP REPORT (CONTINUED)				
14. How does the proposed standard affect other working groups? <i>[Indicate whether other working groups should review the proposed standard and why.]</i>				
15a. Is compliance with the proposed standard the current industry practice in all cases? <i>(Circle one.)</i>			Yes	No
15b. If not, what is the cost impact of complying with the proposed standard? <i>[Is the overall cost impact likely to be significant, and will the costs be higher or lower? Explain what items affect the cost of complying with the proposed standard relative to the cost of complying with the current standard.]</i>				
15c. What are cost savings from compliance with the proposed standard instead of the existing standards? <i>[For harmonization tasks, include any cost savings that would result from complying with one harmonized regulation instead of the two existing standards.]</i>				
16. Does the harmonization working group want to review the draft NPRM (if applicable) before publication in the Federal Register? <i>(Circle one.)</i>			Yes	No
17. In light of information provided in this report, does a harmonization working group consider that the fast track process is appropriate for this rulemaking project or is the project too complex or controversial for the fast track process? <i>[A negative answer to this question will prompt the FAA to remove the project from the fast track process and forward the issues to the Rulemaking Management Council for consideration as a "significant" project.]</i>				